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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

CAPT. JAMES LINLOR, pro se)	Case No.: 1:17cv13 (AJT/JFA)
)	
Plaintiff,)	PLAINTIFF'S MOTION TO VACATE FALSE
)	PRETEXT, and TSA-VIOLATED
v.)	PROTECTIVE ORDER RE: FAKE SSI
)	CLAIMED BY 3RD PARTY TSA
MICHAEL GERARD POLSON,)	
in his individual capacity)	Hearing date: 19 January 2018
)	Time: 10:00
Defendant)	Hon.: Judge Anthony J. Trenga
)	

1. This Court and Hon. Judge Anderson issued on 21 December 2017 a protective order fully verbatim as requested by 3rd Party TSA (TSA's motion was not served on Plaintiff; Plaintiff had to guess at its contents), prior to the hearing date of 05 January 2018.
2. The envelope that Plaintiff received with supposed TSA alleged SSI **WAS OPEN AND PUBLICLY ACCESSIBLE** when Plaintiff received it! Plaintiff has no knowledge who opened it, when, or what information was removed, copied, or changed. The papers appear to have been shuffled (non-sequential page #s), and were not in a logical sequence. Shockingly, paragraph 15 of Judge Anderson's Order granted *immunity* to all TSA/DOJ attorneys and Defendant in his individual capacity for them to disclose (or "set up" or try to "frame" Plaintiff) for disclosure of SSI. Plaintiff does not believe to have possession or control of any SSI currently, and neither TSA nor Defendant has apparently delivered any required production to Plaintiff, and are still in Contempt for failure to

1 produce evidence ordered by this Court! Accordingly, Plaintiff requests vacating of the
2 protective order for material not received, and for TSA, DOJ, and Defendant to bear
3 equal responsibility and liability for controlling and safeguarding any alleged SSI, but
4 moreover, for TSA, DOJ, and Defendant to produce to Plaintiff non-alleged SSI that is
5 still responsive to TSA's subpoena, and which will supplement and avoid any claimed
6 SSI production.

- 7 3. The Protective Order as written – which TSA knew from discussions – removes
8 Plaintiff's ability to continue his current employment which requires daily use, creation,
9 and distribution of SSI, FOUO, and SBU information. TSA has refused to meet-and-
10 confer despite Plaintiff's requests since September, to create a non-conflicting protective
11 order. TSA is intent on retaliatory instead of protective actions, and specifically exempts
12 themselves from all responsibility in the protective order while making fantastically huge
13 penalties (e.g., \$50k) for "each violation" while TSA has already caused violations!
- 14 4. TSA further did not include page counts, nor any way to verify the contents of its
15 production as authentic and complete (see Exhibit A). Since Plaintiff does not know who
16 else possesses whatever TSA and Defendant sent, Plaintiff cannot be held responsible for
17 information not in Plaintiff's custody or control. Plaintiff repeatedly asked TSA, DOJ,
18 and Defendant to use a secure electronic transmittal service, but TSA, DOJ, and
19 Defendant specifically refused, making their negligence willful and their responsibility.
- 20 5. There was no need to provide disclosures designated as SSI – this is all part of TSA's and
21 Defendant's legal strategy to hinder, delay, and harm Plaintiff's case!
- 22 6. **The pages Plaintiff did receive strongly support Plaintiff's case, and impeach**
23 **Defendant's and TSA's repeated lies without any risk to any transportation security,**
24 but because TSA intentionally refused and refuses to provide non-SOP information as
25 Plaintiff has requested (filed with the Court to call out TSA's misleading filings) which
26 would ***not even be*** alleged SSI! This would have avoided the current problem of
27 disclosure, but TSA and Defendant have repeatedly destroyed videos, emails, text
28 messages, and other ESI, and refused to produce evidence required for witnesses, and
now "lose control" of alleged SSI as part of their plan to try to frame and blame Plaintiff!
7. Furthermore, as known to TSA when they submitted their Order for the Court, the Court's
Order further disregards Plaintiff's existing daily use, creation, modification, and

1 authorized confidential distribution of “real” SSI and higher-level sensitivity documents
2 known as For Official Use Only (FOUO) and Sensitive But Unclassified (SBU). Unless
3 this Order is vacated or significantly modified, as TSA knows and has known since
4 September due to meet-and-confers, Plaintiff’s employment may be terminated, which
5 TSA clearly intends as part of its already-demonstrated repeated illegal retaliation against
6 Plaintiff.

7 8. For cause as shown repeatedly, the Court’s protective order does not guard any true SSI,
8 TSA’s SOP was not apparently provided (even in part) to Plaintiff in TSA’s mailing, and
9 the protective order is merely written to interfere with and likely block Plaintiff from his
10 jobs, while setting up Plaintiff for illegal, unconstitutional prosecution while TSA notably
11 exempted itself from the same penalties. TSA’ requested protective order should be
12 VACATED.

13 9. Plaintiff requests that this Order be vacated in full, for cause as:

- 14 a. despite whatever alleged SSI material that TSA and Defendant sent, the envelope that
15 Plaintiff received was OPENED before or during mailing, by unknown person(s),
16 making control of material by Plaintiff physically impossible. Plaintiff requested
17 secure, electronic relay, or even viewing at the DOJ’s US Attorney offices, but the
18 DOJ **refused!** TSA, DOJ, and Defendant are all willful and culpable – Plaintiff
19 refuses to take responsibility for TSA, DOJ, and Defendant’s overt, intentional and
20 completely avoidable public disclosure that TSA, DOJ, and Defendant have already
21 made!
- 22 b. it was issued verbatim for 3rd party TSA in violation of procedural due process for
23 Plaintiff, including restricting Plaintiff in his current occupation(s) for use/transmittal
24 of SSI;
- 25 c. it was issued based on Rule 11 violations of false information in TSA’s Motion;
- 26 d. it was issued based on intentionally SSI-category responses (false premise intended to
27 impede and obstruct Plaintiff) contrary to Plaintiff’s subpoena on TSA, which
28 explicitly sought non-SSI information which TSA is still concealing and which do not
require SSI;
- e. it was issued while TSA is in civil contempt of court, which has still not been cured;
- f. it was issued supporting illegal (per 49 USC 114(r)) claims by TSA of SSI for non-

- SSI information and intentionally mis-assigned SSI designations
- g. it was issued imposing penalties not listed in 49 USC 1520.17 for \$50,000 without TSA or USC authority to define penalties for disclosure of SSI , while not imposing any likewise penalties upon TSA (even granting immunity from meager “personnel actions” as likely government employee punishments as listed in 49 USC 1520.17), which Plaintiff contends is a “set up” for TSA to continue already demonstrated TSA retaliation by “framing” Plaintiff for TSA’s forthcoming release of SSI, while limiting Plaintiff’s ability to view or discuss SSI if such criminality occurs;
 - h. it was issued granting authority not authorized by Congress for TSA to re-write previous orders of the Court, or to further restrict evidence in this case without adjudication and in violation of mandatory precedent under MacLean, and case law in Gordon (discussed further herein).

MEMORANDUM IN SUPPORT OF MOTION

10. Argument 1: The envelope with materials governed by this Court’s protective order of 21 December was OPEN, yes, **OPEN** when Plaintiff received it! Plaintiff has no idea who, how, or when any contents were accessed! Plaintiff cannot even verify if Plaintiff received all intended (falsely) alleged SSI documents, since the esteemed TSA and Defense Attorneys Sylvertooth, Bryant, Barghaan, and Boente (“TSA/DOJ’s finest”) did not number pages or list pages sent (such as page 1 of 5, page 2 of 5, etc.) beyond brief groupings without page counts! Is this slipshod manner typically how TSA/DOJ treat SSI? TSA/DOJ’s finest refused to cooperate and follow Plaintiff’s advice for more secure, electronic transmission methods. Both Sylvertooth and Bryant represent both TSA and Defendant, according to testimony by Defendant. Sylvertooth is also in the US Navy (both the Navy and DOJ are funding legal representation for the arrested felony sexual predator and Defendant Michael Polson), and has been using his US Navy email (dontae.sylvertooth@navy.mil) to send and “hide” evidence in his US Navy email account, which the Court refused Plaintiff’s request for evidentiary access. But his US Navy background means Sylvertooth has knowledge and access to have used secure services like AMRDEC (<https://www.amrdec.army.mil/>) which can be used by Navy and other personnel to securely and with non-repudiation send SSI and FOUO information,

1 thereby guaranteeing full, complete, and secure delivery without interlopers and
2 disclosure of information. Plaintiff could have received any alleged SSI via AMRDEC.
3 Instead, TSA/DOJ's finest refused to take reasonable precautions (instead merely using
4 an ordinary envelope, which itself indicates that TSA/DOJ's finest in reality has contempt
5 and no true concern over SSI) when they treat it so carelessly, yet when their instructions
6 then request storage of alleged contents in a locked safe or similar. This is an idiot's
7 pretext to trouble. Since Plaintiff has no control or knowledge of possession or control
8 of any of the documents covered by the Protective Order prior to whatever copies
9 Plaintiff received (which are furthermore unknown if they are authentic, or might even
10 have been changed by TSA's/DOJ's finest with the envelope left open, so that
11 TSA's/DOJ's finest could provide misleading or fake evidence to subvert or further
12 damage Plaintiff's case. The duplicity and vile maneuverings of TSA's/DOJ's finest are
13 truly immoral.) Plaintiff requests relief through vacating in full of the Order. Plaintiff
14 wishes that TSA/DOJ's finest would have taken the same high level of care and gravitas
15 with which Plaintiff treats SSI, FOUO, and SBU designated information. The Court is
16 invited to permit Plaintiff to provide a copy of what Plaintiff received at the hearing for
17 this Motion, to see that whatever Plaintiff received, is (at least) apparently innocuous,
18 further supporting no further harm caused by vacating of the Court's protective order.

- 19 11. Plaintiff also requested viewing of any alleged SSI for TSA and William Whetsell to
20 comply with Plaintiff's subpoena on them either at Defendant's/Whetsell's deposition
21 (for which TSA's/DOJ's finest could have even filed a protective order that Plaintiff could
22 have stipulated to) to view material, or even two weeks later at the DOJ's US Attorney
23 offices), but TSA's/DOJ's finest **refused BOTH** opportunities! Instead, they wrote up an
24 onerous and injurious protective order, misled the Court to get it approved, and then sent
25 their oh-so-sensitive "testicle punching guidelines" by US Mail! TSA, DOJ, and
26 Defendant are all willful and culpable – Plaintiff refuses to take responsibility for TSA,
27 DOJ, and Defendant's intentional, incompetent, and completely avoidable public
28 disclosures of their fake, alleged SSI that TSA's/DOJ's finest claim allows them the right
to use excessive force and sexually batter/molest passengers at the felony level.
12. Because TSA and Defendant are only providing information claimed to be from their
SOP (Standard Operating Procedures) which **IS UNKNOWN** where any documents

1 truly come from, or if they have not been altered for this case without full electronic
2 copies, and more properly the documents that only discussion claimed allowance to
3 use excessive force by TSA on compliant passengers' genitals, since the few pages are
4 not clear what document they come from, but moreover, clearly exist in some other non-
5 SSI form since documents saying not to use excessive force in the mildest of language is
6 clearly not demonstrated to be any type of SSI.

7 13. Argument 2: violation of procedural due process for Plaintiff, including .restricting
8 Plaintiff in his current occupation(s) for use/transmittal of SSI. Plaintiff claims these
9 violations merely provide the foundation for further specific grounds for vacating the
10 protective order granted to TSA.

- 11 a. Plaintiff was not served any copy of 3rd party TSA's Motion prior to Plaintiff's
12 known travel commencing 22 December, which TSA and Defendant are proven to
13 have been aware of, TSA and Defendant served their protective order motion
14 provably 14-20 days by mail after filing, to obstruct Plaintiff's replies and
15 illegally violate procedural due process for Plaintiff, TSA and Defendant
16 repeatedly lied to the Court in claiming service and meet-and-confers, and even
17 the Clerk has provided wrong dates (05 Jan instead of 21 Dec) for hearings.
- 18 b. Plaintiff is authorized and **required** as part of his airline captain, director of
19 operations, and cybersecurity capacities to create, modify, distribute, and discuss
20 TSA SSI, FAA SSI, and other agencies' Sensitive But Unclassified (SBU) and For
21 Official Use Only (FOUO) information for ALL PURPOSES related to Plaintiffs
22 occupation(s). Plaintiff has done these activities and created and approved
23 THOUSANDS OF PAGES of SSI, FOUO and SBU documents over the last 20+
24 years (hundreds of pages SSI and above produced by Plaintiff for clients in just
25 the last month), and is required to continue doing so as part of Plaintiff's
26 employment! TSA and Defendant are familiar-in-depth with Plaintiff's SSI
27 authorities, due to their discussion in their deposition of Plaintiff, and their proven
28 TSA-confirmation of Plaintiff's FAA authorities. Yet TSA and Defendant have
willfully not conveyed their knowledge of Plaintiff's authorities to the Court as
part of their FALSE PREMISE legal strategy, and now seek to restrict Plaintiff's

1 ability to earn a living as part of TSA's already-illegal retaliation perpetrated on
2 16 November 2017 and 06 January 2018 (see Exhibit E).

- 3 c. Retaliation (listed in Exhibit E) include TSA agents grabbing both arms and
4 forcibly yanking Plaintiff "spread eagle" without cause in San Diego airport on 16
5 November, and then TSA ordering the local airport to not honor the Court's Order
6 and refuse to release video of the incident, and then destroy the video (similar to
7 spoliation in this case by Defendant, TSA, DOJ, and MWAA).
- 8 d. Retaliation further was shown on 06 January 2018, by TSA accusing Plaintiff of
9 **attempting to carry an explosive device (aka "a bomb") in Plaintiff's carry-**
10 **on suitcase** before a flight in Hawaii. TSA called police. TSA claimed that it was
11 not any machine "false positive or error." TSA spent 15-20 minutes inspecting
12 Plaintiff's worn clothing, reconfirmed it as "explosive" and then proceeded to
13 load the "explosive" luggage onto a commercial flight while claiming that the
14 explosive designation was not cleared nor explained, and was not in error! TSA
15 and the local airport have again refused to release video of the incident, and
16 appear attempting to destroy evidence. TSA also uncapped and removed
17 shampoo and other liquids in Plaintiff's checked luggage on the same flight,
18 removed the bottles from sealed bags, and allowed these all to spill throughout
19 Plaintiff's luggage. TSA put an "inspection card" in Plaintiff's luggage to claim
20 credit for the harassment. TSA is abusing its authority, and VACATING of the
21 protective order is key to permit Plaintiff to compel release of video and other
22 evidence if TSA continues to abuse and retaliate against Plaintiff. Plaintiff will
23 still possess Covered Person status regardless of the protective Order, but TSA is
24 already pointing to the protective Order as an excuse to refuse to release video
25 evidence and harass Plaintiff. Plaintiff is trying to avoid confrontations, but
26 Plaintiff is concerned that TSA may next interfere with one of Plaintiff's flight-
27 duty flights where Plaintiff will be captaining the flight, compelling Plaintiff to
28 arrest the TSA agents on Plaintiff's aircraft if they pose a threat to operational
safety. The protective Order will then be raised as conflicting by the next local
federal Court if this undesired possibility occurs. Vacating the Order now avoids
these later conflicts, and may remind TSA to stop their petulant and unethical

1 harassment of Plaintiff.

- 2 e. Paragraph 2 of the Court’s protective order (“the Order”) for TSA SSI limits
3 Plaintiff’s use of SSI without due process and may terminate Plaintiff’s
4 employment if Plaintiff cannot continue to be a covered person WITHOUT any
5 “limited purpose” pertaining to pat downs contained in the SOP. Plaintiff needs to
6 reference these specific procedures, as well as many other TSA procedures for
7 aircraft and airline safety and security as part of Operational Specifications
8 (OpsSpecs) and other documents that Plaintiff is required to author, approve, and
9 distribute as SSI, FOUO, and SBU documents in Plaintiff’s employment. Since
10 Plaintiff is already restricted from disclosing SSI and SBU information as part of
11 his employment, and the Order’s paragraph 2 limits Plaintiff’s access and use to
12 an untenable sliver incompatible with Plaintiff’s occupation(s), Plaintiff insists
13 that the Order’s paragraph 2 be removed, as it arduously burdens Plaintiff while
14 not providing any restriction not already limiting Plaintiff from releasing SSI.
15 Moreover, PLAINTIFF is the party who has demonstrated proper care and
16 restriction of SSI, FOUO, and SBU information. TSA’s/DOJ’s finest, on the other
17 hand, are proven to send unsealed alleged SSI by open envelopes in the US Mail.
- 18 f. Paragraph 3 of the Order repeats the same work-incompatible restriction on
19 Plaintiff, i.e., “Plaintiff is only authorized to access SSI pertaining to pat-downs of
20 the groin area .. does not authorize his access to any other SSI.” Most recently,
21 ALL OF PLAINTIFF’S work has been at the SBU/FOUO/SSI level. Plaintiff will
22 likely be barred from employment if paragraph 3 of the Order is not removed,
23 since it improperly restricts Plaintiff from critical functions of his current
24 employment. This paragraph should be vacated.
- 25 g. Paragraph 4 of the Order rewrites the Court’s Orders of 16 November and 07
26 December whereas Plaintiff “is to be treated as a covered person.” The “limited
27 purpose” restriction in this paragraph means that other SSI used by Plaintiff not
28 as part of this case is restricted. Notably, TSA has already physically assaulted
Plaintiff on 16 November at San Diego Airport (apparently in retaliation), and are
again refusing to disclose that video evidence because TSA and the local airport
claim that Plaintiff is not a “covered person.” TSA intentionally and with ill-

1 intent wrote paragraph 4 to enable them to withhold evidence of their continued
2 retaliation against Plaintiff. Part of the best protection for Plaintiff from further
3 TSA assaults, is to maintain Plaintiff's existing (as a pilot) but also court-
4 mandated coverage as a covered person, so that TSA cannot continue to attack
5 Plaintiff and then destroy/withhold evidence, resulting in repeated litigation.
6 This paragraph should be vacated.

- 7 h. Paragraph 5 conflates earlier non-SSI filings by TSA with now-unredacted filings,
8 as well as other former SSI information released by TSA on the Internet, but
9 which this paragraph imposes restrictions uniquely on Plaintiff. This paragraph
10 attempts to 'unring the bell' of public disclosure, and to threaten Plaintiff for
11 repeating or discussing of information already publicly available. This paragraph
12 should be vacated.
- 13 i. Paragraph 6 adds new parties to this lawsuit?!? (who is "et.al." in the protective
14 order when there are only 2 parties). This paragraph further attempts to expand to
15 any "memoranda of law" for information that may or may not be SSI, or was SSI
16 but was released by TSA, or information that wasn't SSI but that TSA now wants
17 to designate as SSI? This paragraph is a mess, and unenforceable. It should be
18 vacated.
- 19 j. Paragraph 7 is vague – material that "is not marked, contains SSI"? This
20 paragraph is a mess, and unenforceable. It should be vacated.
- 21 k. Paragraph 8 implies, since TSA/DOJ/Defendant now apparently claim the right to
22 make **any** evidence "SSI", to render this whole case non-public?! Ironically,
23 Plaintiff originally moved the Court for leave to file under Seal, or at least
24 anonymously. This court vehemently refused, despite the matter at hand being
25 embarrassing to Plaintiff, sullyng Plaintiff's name now through this case on the
26 Internet, and involving injuries from a violent felony sexual battery to Plaintiff's
27 testicles. This Court Ordered that felony sexual batteries are not cause for
28 withholding of information from the public, but now TSA has the audacity to
claim that its unconstitutional alleged standard for how hard it can strike innocent
and cooperate passengers, yet this Court now has issued a protective order hiding
that information (that TSA requested in violation of 49 USC 114(r) to hide illegal

activity). At the end of the day, since **any discussion at this point forward may reference SSI**, Plaintiff asks if the Court intends to close this case to the public? This paragraph #8 is a mess, and unenforceable. It should be vacated.

1. Paragraph 9 is problematic. As an airline pilot, Plaintiff already had access to the bulk of SSI disclosed to Plaintiff by TSA. Does this now mean that the Court accepts that Plaintiff use SSI already known to Plaintiff despite it being **re-disclosed** to Plaintiff? What if Plaintiff, as a covered person, needs to discuss force with TSA or other parties in the future to avoid injury to passengers on Plaintiff's aircrafts, or in training that Plaintiff conducts? How is Plaintiff restricted by this paragraph, when the entire envelope was open when Plaintiff received it? Plaintiff further has no way to know IF he received all information that he should have, so how can Plaintiff protect or be limited to information that Plaintiff does not know if it was sent to him, or even if what he received was unaltered, true, and complete? This paragraph is a mess, and unenforceable. It should be vacated.

- m. Paragraph 10 should point the Court to 49 USC 114(r), since TSA's pretext of supplying their "whole chapter 4 from the SOP" is precisely what 114(r) contravenes! Plaintiff did not ask for SOP (see Exhibit B), and in fact asked to work with TSA's/DOJ's finest to find evidence that is non-SSI so that the concerns of TSA's/DOJ's finest could be balanced with a fair trial based on evidence and the case's merits. This clearly frightens TSA's/DOJ's finest, since they have no defense! Plaintiff contends (in the co-filed Motion to Compel Production) that TSA has **still not complied** with Plaintiff's subpoena to TSA, **nor** with this Court's two Orders of 16 November and 07 December, to release all relevant evidence to Plaintiff. TSA could have excerpted the specific, relevant sections of alleged genital force striking (that TSA claims exists). Medical force studies or guidance are often discussed at medical conferences. The notes and development documents, drafts, discussions, and debates related to excessive force would clearly NOT be initially included in the SOP (doing so is logistically infeasible and not the way these SSI and FOUO documents are developed, from Plaintiff's 20+ years of experience). This is why Plaintiff exhorted TSA's/DOJ's

1 finest to provide non-SSI information (see Exhibit B) “from wherever it might be
2 sourced” without requiring SSI. TSA’s/DOJ’s finest, on the other hand, CHOSE
3 to select SSI while leaving the other responses out. That is certainly TSA’s
4 prerogative to produce SSI as responsive to Plaintiff’s subpoena upon them, but it
5 does NOT provide leave (that TSA improperly takes without permission of the
6 Court) to not include relevant and substantive notes, development drafts,
7 discussions, and the whole realm of materials outside of TSA’s SOP. Plaintiff was
8 explicit in requesting this; TSA has no excuse other than their continued bad faith
9 and ill intent in not producing relevant, critical, and required-as-responsive
10 information in reply to Plaintiff’s subpoena upon them. This paragraph should be
11 vacated.

12 n. Paragraph 11 does not define “use and handling of SSI at trial,” but references
13 “after the close of Discovery” while ignoring that TSA and Defendant DID NOT
14 PRODUCE their responses, despite a subpoena on TSA, and two Court Orders,
15 until nearly two month (08 January received by Plaintiff, after Discovery closed
16 on 10 November 2017). Plaintiff’s case has already be irreparably harmed,
17 Discovery impeded, and per mandatory precedent, TSA’s/DOJ’s finest have
18 violated Plaintiff’s rights of due process similar to United States v. Bundy (Case
19 No. 2:98-cv-00531-LRH-VCF , D. Nevada 2018) which ruled for the Bundys due
20 to United States’ misconduct. It is the willful and repeated misconduct of
21 TSA’s/DOJ’s finest that has resulted in evidence not being conveyed, and it is
22 concerning that this Court willingly allowed such a key item to be included in its
23 Order without consideration of Defendant’s and TSA’s willful neglect and
24 misconduct. This paragraph should be vacated.

25 o. Paragraph 12 claims that TSA may limit testimony, which will likely include
26 testimony not currently SSI, but which TSA’s/DOJ’s finest may try to claim as
27 SSI. This paragraph is wholly without merit and undermines evidence required
28 by Plaintiff. This paragraph should be vacated.

p. Paragraph 13 is especially concerning in an Order of the Court, since it appears to
abdicate this Court’s Authority to that of TSA and the Court of Appeals. It is
inconceivable why this Court would include an abdication of its authority, duty,

1 and responsibility to TSA and the Appeals Court, in an Order of the Court? This
2 is a matter for adjudication if requested, but not for abdication as part of a Court
3 Order, which will become a self-fulfilling prophecy. This paragraph should be
4 vacated.

5 q. Paragraph 14 revisits the conflation of SSI that versus non-SSI evidence that TSA
6 may try to reclaim as SSI. This is an attempt to withhold evidence from future
7 plaintiffs, from this Plaintiff's identification of materials. This paragraph should
8 be vacated.

9 r. Paragraphs 15-20 are continually problematic, since for reasons from the former
10 paragraphs, they impose conditions contrary to Plaintiff's employment, based on
11 information TSA appears to be setting up for retaliatory prosecution while
12 refusing to securely communicate, and suggests fines that are explicitly not
13 applicable to TSA, DOJ, Defendant individually, for "any responsibility or
14 liability." That is similar to what Defendant Michael Gerard Polson claimed after
15 laughing and claiming he couldn't be prosecuted for striking Plaintiff's genitals
16 with excessive force. It is time for bad and rogue actors such as Polson to be held
17 accountable, and for TSA, DOJ, Defendant, and their co-horts to be equally
18 responsible and liable if they disclose or are careless with real SSI. These
19 paragraphs 15-20 should be vacated, and the Order vacated *in toto*.

20 14. Argument 3: Rule 11 violations of false information in TSA's Motion

21 a. FRCP Rule 11 codifies that TSA's/DOJ's finest shall not mislead the Court, but
22 instead of cooperating with Plaintiff per Plaintiff's request in Exhibit B,
23 TSA's/DOJ's finest only produced SSI, to try to use that as a shield and method to
24 hide evidence of their claimed right to use excessive force inappropriately.

25 15. Argument 4: Intentionally only SSI-category responses were provided by TSA's/DOJ's
26 finest (false premise intended to impede and obstruct Plaintiff) contrary to Plaintiff's
27 subpoena on TSA, which explicitly sought non-SSI information which TSA is still
28 concealing and which do not require SSI

a. Again, Plaintiff (see Exhibit B, from the transcript with TSA's/DOJ's finest), did

1 not require SOP or SSI; Plaintiff explicitly asked for and attempted to cooperate
2 with TSA and Defendant.

- 3 b. Despite the alleged (and not received by Plaintiff) claimed SSI production, TSA
4 has not provided the notes and guidance that are non-SOP (since SOP was NOT
5 specified on the Subpoena, see Exhibit C)

6 16. Argument 5: TSA is in civil contempt of court, which has still not been cured

- 7 a. Production made by TSA was received on 08 January, essentially 2 months after
8 the required close of Discovery on 10 November
- 9 b. The ~10 documents received are FEWER than what TSA produced on 20
10 October, and are not marked clearly for SSI or not.
- 11 c. The documents' originality and authenticity are not known. Plaintiff cannot
12 accept responsibility for documents sent in open envelopes with careless disregard
13 by TSA, DOJ, and Defendant ("the Group"), which the Group has refused to
14 permit or in-person inspection, secure electronic delivery, and most of all, non-
15 SSI responsive documents, that the Group claims do not exist.

16 17. Argument 6: supporting illegal (per 49 USC 114(r)) claims by TSA of SSI for non-SSI
17 information

- 18 a. As previously mentioned, and this Court has recognized that the Group (as
19 defined above) has only provided SSI documents, but the documents provided to
20 Plaintiff are not clearly marked as SSI and appear to be fewer than the redacted
21 production seen earlier which was NOT SSI (per TSA's letter).
- 22 b. Since this case surrounds criminal and unconstitutional activity for which Michael
23 Gerard Polson was arrested for felony sexual battery, claiming that ALL
24 documents (even non-SOP documents) are SSI is contrary to 49 USC 114(r)
- 25 c. Accordingly, the accompanying Motion requests an Order to Compel production
26 of non-SSI responsive documents, to explain per mandatory precedent in
27 MacLean, and Gordon (Gordon v. FBI (N.D. Calif. 2004), and MacLean v. DHS
28 (135 S. Ct. 913 (2015))), with the goal that while the Order can be vacated, that
even untimely production by the Group will be able to be public knowledge for

clear rights and responsibilities for mutual respect between TSA screeners and passengers, and not the abusive, sadistic behavior exhibited by Michael Polson.

18. Argument 7: the Order imposes penalties greater than those codified per USC for disclosure of SSI

- a. Penalties “of up to \$50,000” are not specified in 49 USC 1520 – TSA just make that up without any statutory authority, while notably exempting themselves from “responsibility or liability.”
- b. It is shocking that such unconstitutional and incongruous penalties be rubber-stamped by the Court’s Order.

19. Argument 8: Claims of authority by TSA to re-write previous orders of the Court without adjudication

- a. Previous Orders of this Court were now re-written by TSA’s verbatim-approved protective Order request, while not permitting Plaintiff’s objections to be heard
- b. TSA claims now that Plaintiff may only be considered a “covered person” in certain “limited” situations (even though this is incongruous with Plaintiff’s employment), And that information described in the protective Order, which goes well beyond information alleged as SSI by TSA, that many categories of information used and even created by Plaintiff will now be prohibited. Plaintiff cannot forgo his employment merely at TSA’s behest and capricious writing.
- c. If the Order is not vacated, it will set up challenges against TSA’s authority to unilaterally have non-government employees bared from employment without due process and without cause or basis for punishment.

20. For cause as demonstrated, Plaintiff requests vacating of the protective order since:

- a. None of TSA’s ~10 pages of alleged SSI are “critical to transportation security” nor compliant with **mandatory precedent** nor case law to demonstrate alleged SSI.
- b. The ~10 pages of (fake) alleged SSI withheld WILLFULLY (as proven by Plaintiff’s faxes and phone transcripts shown herein) in contravention to two Court orders *for two months past the close of Discovery* is critical to Plaintiff’s case and proves that

1 Defendant Polson had no justification to use excessive force and violated TSA's own
2 policies, yet the protective order bars any discussion of alleged-SSI elements, or due
3 process with an open court trial by jury.

- 4 c. TSA and Defendant (reminding the Court of the shared TSA/Defense attorneys both
5 Sylvertooth and Bryant), both objected to Plaintiff's requests for even the most
6 minute non-SOP excessive force guidance to be produced. If TSA had any intention
7 of letting this case go to trial with incriminating evidence of Defendant, then they
8 would have cooperated with Plaintiff months ago to produce evidence and find a way
9 to redact any "true" SSI. TSA/Defendant's production two months beyond the close
10 of Discovery amount to a violation of Plaintiff's rights of Due Process.
- 11 d. Just as Hon. Judge Navarro in United States v. Bundy (Case No. 2:98-cv-00531-
12 LRH-VCF , D. Nevada 2018) ruled for the Bundys due to United States' misconduct,
13 in this instant case, misconduct by Defendant, TSA, DOJ, and MWA – all primarily
14 led by misconduct by TSA and/or evidence in TSA's possession, custody, or control,
15 and TSA's criminal orders to Defendant and 3rd party William Whetsell not to
16 cooperate and disclose alleged SSI have deprived Plaintiff of critical evidence, all of
17 these permitted destruction of critical ESI despite textbook-perfect litigation holds by
18 Plaintiff, willfully impeded and harmed Plaintiff's Discovery, Depositions, and
19 follow-up requests. TSA's claims to the little remaining evidence, in addition to
20 being produced two full months past the deadline for the close of Discovery, now
21 goes beyond actions withholding and destroying evidence in the Bundy case – TSA in
22 this case has misled the Court so that it can try to hide its remaining and untimely-
23 produced evidence from Plaintiff, a jury, and future potential litigants! TSA and
24 Defendant in this instant case have willfully defecated on their responsibilities by
25 additionally misleading this Court into improperly issuing a protective order that
26 renders this case untriable. Worse yet, the guidance given by TSA to Defendant
27 Polson and 3rd party Whetsell, had TSA threaten those parties with criminal
28 prosecution if they answered Plaintiff's interrogatories, discovery, or deposition
evidence to only SOP but not other sources TSA continues to withhold in violation of

1 the Court's Orders, bars open Court discussions, conflates public and alleged-SSI
2 evidence, illegally allows withholding of evidence, falsely overlooks TSA's and
3 Defendant's grossly overdue production, and requires that Plaintiff only discuss
4 issues "under seal."

5 21. Based on MacLean, and Gordon (Gordon v. FBI (N.D. Calif 2004), and MacLean v.
6 DHS (135 S. Ct. 913 (2015))), this Court has mandatory precedent to permit it to provide
7 a check-and-balance by requiring TSA to justify how its excessive force guidance for
8 hitting passengers' genitals is critical to "transportation security." If it is not, then no
9 granting of SSI should be allowed by the Court.

10 22. TSA is still in violation of the Court's Orders, since TSA falsely limits its answers to their
11 SOP, TSA did not disclose this information until January 2018 (two days shy of two full
12 months after the close of Discovery on 10 November 2018), causing critical harm to
13 Plaintiff's case and both of this Court's Orders of 16 November and 07 December
14 recognized.

15 23. TSA's protective order serves no "transportation security" purpose! Instead, as Plaintiff
16 alerted the Court:

- 17 a. TSA's claims to SSI explicitly contravene 49 USC 114(r), specifically to attempt
18 to conceal violations of law, which 49 USC 114(r) explicitly states is illegal.
19 b. As this Court has recognized, the pressure and force with which TSA is allowed
20 to strike compliant passengers has no component in SSI, which is solely defined
21 per TSA and Congress as "transportation security," not national security.

22 **24. In paragraph 13 of its self-aggrandizing self-written order shockingly rubber-**
23 **stamped by this Court, TSA claims the right to make dispositive self-adjudications**
24 **of SSI as part of its protective order, again in violation of 49 USC 114(r).**

- 25 a. Mandatory precedent and the federal case in Gordon v. FBI (N.D. Calif 2004),
26 and MacLean v. DHS (135 S. Ct. 913 (2015)) TSA over-claims non-SSI without
27 demonstrating how the alleged SSI for TSA's claimed right to use excessive force
28 on compliant passengers' genitals is "critical to transportation security," which is
the standard defined by those courts.
b. TSA's claims to SSI contravene 49 USC 114(r), specifically to attempt to conceal
violations of law, which 49 USC 114(r) explicitly states is illegal.

1 25. TSA misled and is proven to have lied to the Court in its filing!

- 2 a. **Plaintiff explicitly did not require SOP SSI, and Plaintiff suggested other**
3 **non-SSI sources which TSA refuses to provide** (see Exhibit B for transcript
4 filed by Plaintiff on 05 December as part of a Motion for sanctions not yet ruled
5 on by this Court – 16 days before the protective Order was issued. TSA refuses
6 to reflect this critical difference in its misleading declarations and motions.
7 b. TSA misrepresented this to the Court despite Plaintiff's repeated informing the
8 Court with a transcript of TSA-Plaintiff conversations!

9 26. Plaintiff and TSA discussed on 30 October, twelve days prior to the close of Discovery,
10 what information TSA would be providing. The transcript of that conversation was
11 previously filed with the Court.

- 12 a. Plaintiff offered repeatedly since the start of this case to meet-and-confer, even en
13 camera, for any **true** SSI (defined by TSA and statute as information critical to
14 transportation security). TSA has steadfastly refused to ever meet or show any
15 alleged SSI for review by the Court, to mediate any disputes.
16 b. Instead, as shown by the date of the letter in Exhibit A, TSA violated two Orders
17 of this Court, willfully causing grave if not mortal damage to Plaintiff's case,
18 since Plaintiff's Discovery, Depositions of Defendant and William Whetsell, and
19 Subpoenas would all have changed based on the evidence not provided by TSA
20 until two months late.

21 27. Not only is Sylvertooth representing both the arrested felony sexual predator Michael
22 Polson, as well as TSA, but as included previously in Plaintiff's filings, and per
23 Defendant Polson's deposition testimony, TSA attorney Nathan Bryant has also been
24 representing Defendant Polson:

25 18 BY CAPTAIN LINLOR:

26 19 Q I'm asking, for the people here, did you have
27 20 any ability to ask -- to ask anyone, anyone, for their
28 21 help to provide this information -- the contact
22 information on these witnesses?

Page 190, Testimony by Polson:

1 A At the time my ability was going through my

2 TSA counsel, who is Mr. Bryant at the time, who was my

1 **3 connection to TSA.** [NOTE: Bryant denied representing
2 Defendant]

3 4 Q Did you do so?

4 5 A I don't recall.

5 28. Plaintiff requests relief and vacating of the protective order for cause:

- 6 a. Very little information (about 10 pages) was sent to Plaintiff, in an open envelope,
7 while TSA refused electronic, secure methods for transmittal.
- 8 b. None of the information is apparently SSI (Sensitive Security Information) as
9 alleged.
- 10 c. The limited information provided mocks and taunts the Court and Plaintiff, since
11 it supports Plaintiff's case, but TSA now claims that information cannot be used!
- 12 d. In knowing violation of decisions and mandatory precedent in *Gordon v. FBI*
13 (N.D. Calif 2004), and *MacLean v. DHS* (135 S. Ct. 913 (2015)) TSA over-
14 claims non-SSI without demonstrating how the alleged SSI for TSA's claimed
15 right to use excessive force on compliant passengers' genitals is "critical to
16 transportation security," which is the standard defined by those courts.
- 17 e. TSA's claims to SSI contravene 49 USC 114(r), specifically to attempt to conceal
18 violations of law, which 49 USC 114(r) explicitly states is illegal.

19 29. Due to TSA's continued indirect civil contempt of Court, TSA's request should be
20 VACATED since precedent holds that Parties need not be granted "favors" by the Court
21 such as protective orders, while in civil contempt for failure to produce critical evidence.

22 30. Plaintiff objects to any need for any protective order as a FALSE PREMISE.

- 23 a. TSA has already published significant alleged SSI without any protective order
- 24 b. TSA refuses to demonstrate (required per SSI requirements in *Gordon v. FBI*, and
25 *MacLean v. DHS*) why excessive forcing genital striking standards are SSI for
26 "transportation safety" (which is the standard for TSA SSI, **not** "national security"
27 or other touchstones).
- 28 c. TSA's production so far has claimed to have included SOP (which Plaintiff has
not received!) and non-SOP but still SSI evidence, and Plaintiff has asked for non-
SOP, non-SSI evidence, so TSA is improperly avoiding disclosure. TSA also has
redacted information (Exhibit A) without indicating if it was alleged SSI, or a "red
herring" meant to distract Plaintiff (and mislead the Court). Upon questioning,

1 TSA has refused to explain its redactions, or to mark them properly. Copies of
2 some of the non-SSI production with redactions are included in Exhibit D.

- 3 d. Plaintiff uses SSI (TSA and other Sensitive Security Information from FAA) in
4 his piloting job and cybersecurity jobs. Any court order would need to not restrict
5 Plaintiff's existing required access and use.
- 6 e. Plaintiff has repeatedly requested to meet-and-confer with TSA and Defendant to
7 find an equitable solution for SSI. TSA has always refused, and even admitted (as
8 Plaintiff filed the conversation transcript in Plaintiff's Motion for Sanctions
9 related to TSA's Motion to Quash) that TSA has no intention of permitting
10 Plaintiff to view any true Excessive Force Guidance, IF such guidance even
11 exists!
- 12 f. TSA has been found in both Gordon, and MacLean, to *retroactively* attempt to
13 claim previously released material are SSI. Since this could include materials
14 already filed by TSA, or clearly not being SSI, Plaintiff respectfully suggests that
15 the Court carefully discriminate against broad brush requests to categorize
16 documents as SSI. This Court's protective Order seems to be a set-up for TSA to
17 retroactively categorize evidence, including testimony per the protective Order, as
18 SSI even though it may be critical to Plaintiff's case. As such, TSA's protective
19 Order is incongruous with Plaintiff's rights of due process and the ability of this
20 case to proceed to trial!

21 31. Plaintiff claims that since TSA has not demonstrated that any excessive force guidance
22 exists, that TSA is playing games merely to delay and frustrate production, and then
23 abuse any protective order to retroactively claim open materials are SSI, so as then to try
24 to cause further legal challenges to pro se Plaintiff.

- 25 a. **Defendent Polson has testified that TSA has no known Excessive Force**
26 **Guidance, in its SOP or training materials. TSA's Protective Order is a**
27 **farce, since the few pages received only confirm Plaintiff's case, but TSA now**
28 **has the Court approving a protective Order where the evidence cannot be**
used despite it not having any transportation security sensitive component,
and is non-SSI copies of the same information are being knowingly withheld
by TSA.

- 1 b. Plaintiff denies any premise that a Protective Order is necessary, or that the TSA
2 SOP is needed as a source. TSA should be required to demonstrate all potential
3 sources of any information for which it seeks a protective order, and WHY other-
4 than-SOP sources are NOT possible!
- 5 32. Plaintiff filed an objecting response as allowed on 26 December, but although TSA was
6 already in civil contempt of Court and violated the Court's Orders of 16 November and
7 07 December, the Court chose to file its Order without considering and waiting to receive
8 Plaintiff's procedural right to object. TSA had faxes to know that Plaintiff objected.
- 9 33. Defendant Polson testified under oath that there are no "specific regulations on excessive
10 force being taught in training or provided in SOP." Therefore, there is nothing for a
11 Protective Order to cover, **and** Plaintiff (since and before Nov 2nd and Plaintiff's Motion
12 against misleading filing by TSA in their Motion to Quash, clearly stated that Plaintiff is
13 NOT seeking information necessarily from the TSA SOP, but from whatever sources are
14 available, particularly those that are not alleged SSI to simplify disclosure!
- 15 34. From deposition testimony of Defendant, 20 Oct 2017:
- 16 **Q Have you ever been guided by TSA to be careful**
17 **not to use excessive striking force as it has been**
18 **defined?**
- 19 **A I don't recall.**
- 20 a. And further on in the same testimony:
- 21 **Q Do TSA regulations permit use of excessive**
22 **force in passenger pat downs?**
- 23 **A Again, I do not recall any specific**
24 **regulations on excessive force being taught in training**
25 **or provided in SOP.**
- 26 b. And further in the same testimony:
- 27 **Q So based on that definition, is there a**
28 **striking force of one object coming in contact with**
 another as you slide your hand up from the thigh to the
 groin and genitals?
- A I would agree there is.**
- Q Okay. Based upon the definition, what amount**
 of striking force is reasonable?
- A Only enough to properly ascertain that the**
 area is clear for SOP.
- Q Does SOP define a reasonable amount of**
 striking force in this situation?

1 A Not to my knowledge.

2 Q How do you know what a reasonable amount of
3 striking force is if it's not defined?

4 A When I can tell the difference between the leg
5 and the torso.

6 Q Isn't it possible that the striking force
7 could injure a passenger?

8 A By your definition of striking --
9 MR. SYLVERTOOTH: Form.

10 A By your definition of striking force being any
11 contact period between two different things, there are
12 all sorts of things that can be considered excessive to
13 that fact.

14 c. And further in the same testimony:

15 Q So would you agree based on that that TSA
16 regulations do not permit use of excessive force against
17 passengers during pat downs?
18 page 210

19 A I couldn't speak to that, sir.

20 35. The Hon. Judge Trenga, in issuing his Orders for TSA to produce the Excessive Force
21 Guidance critical to Plaintiff's case, noted in his orders of both 16 November and 07
22 December that it was doubtful whether any excessive force guidance truly needed to be
23 SSI in the first place!

- 24 a. In line with the Court, Plaintiff challenges TSA's basic premise in this case.
25 b. If TSA truly had excessive force guidance, then why wouldn't TSA have just
26 agreed to a protective order as Plaintiff requested over 3 months ago? Why not
27 meet *en camera* to have the Court review any disputes? TSA is simply stalling,
28 and trying to gain a tool that it can later wield and cause trouble for this case, and
for future plaintiffs.

29 36. For good cause as shown herein, any order by TSA is undoubtedly overreaching and
30 defective. Furthermore, several key points give caution to granting any TSA request:

- 31 a. Hon. Judge Trenga has already expressed doubt that alleged SSI related to
32 excessive force guidelines are SSI, particularly related to striking compliant
33 passengers' groins and genitals. Unless TSA is willing to submit per the
34 guidelines in *Gordon v. FBI* (N.D. Calif 2004), and *MacLean v. DHS* (135 S. Ct.
35 913 (2015)) as to how any alleged SSI is critical and relevant to "transportation

1 security” (the standard in those Courts), then TSA should be denied what those
2 Courts found to be an “overuse” of unnecessary restriction of information as
3 (alleged) SSI.

- 4 b. TSA has already filed with the Court documents marked as SSI, without concern
5 over protective orders. TSA conveniently exempts itself from “any responsibility
6 or liability” regarding SSI, and includes Defendant sexual predator Polson under
7 their wing with the Court’s blessing in its protective Order! TSA’s requests are
8 absolutely one-sided, and capricious.
- 9 c. Plaintiff has not requested that information come from its Standard Operating
10 Procedures (“SOP”) as proven via the transcript filed with the Court in Plaintiff’s
11 reply objection to TSA’s Motion to Quash and Plaintiff’s related Motion for
12 Sanctions for TSA for false filing.
- 13 d. In fact, Plaintiff has been extremely cooperative and trying to work with TSA
14 since this lawsuit’s inception. TSA (and Defendant and 3rd parties) have not acted
15 in good faith, and TSA now continues to try to “game the system.” Any claim
16 that TSA’s information must come from its SOP, and therefore justify any
17 Protective Order, is a FALSE PREMISE. SOP should be provided where
18 responsive, but a) it should be securely transmitted, b) the genital/groin excessive
19 force sections should be removed and re-sourced from other locations so as not to
20 be SSI under any possible definition, and c) other sources must be searched and
21 provided by TSA. TSA’s and Defendant’s failures to do so, well past the end of
22 Discovery, are compelling for judgment in favor of Plaintiff, but do not remove
23 TSA’s obligations to comply with the Court’s approved subpoena and Orders.
24 This is why Plaintiff filed a Motion for Sanctions and to Show Cause, to enforce
25 these Orders!
- 26 e. Plaintiff works daily with SSI (from TSA, and other agencies and commercial
27 companies) as well as FOUO, which Plaintiff not only reads, but is authorized to
28 author, edit, redistribute, and possess in Plaintiff’s multiple occupations of
aviation, cybersecurity, and related new business ventures – all as an authorized
holder/user/creator of SSI, etc. Any restriction request from TSA must not
encumber Plaintiff’s livelihood, for which he already has access to SSI, but

1 simply not having had access to the particular genital-striking guidance that TSA
2 claims it has (and which Plaintiff doubts even exists).

3 37. Future potential plaintiffs should not forgotten! Sunlight and transparency are said to be
4 the best disinfectants. TSA has gone to extraordinary measures to not produce its claimed
5 excessive force guidelines, even when Plaintiff was offering to stipulate to a protective
6 order.

7 38. Plaintiff now sees TSA's "game" for what it is!

- 8 a. Just as Defendant himself has confirmed that he has no knowledge of any
9 Excessive Force Guidance, and
- 10 b. TSA was not given leave of the Court to deny production to Plaintiff, and TSA is
11 now in indirect civil contempt of court, and has made this case unlikely to be able
12 to proceed to trial by withholding critical evidence that would have changed the
13 course of Discovery, Disclosures, and Depositions, TSA now wishes to feign
14 tardy production while keeping it a secret.
- 15 c. TSA have further never explained why it is a secret and a threat to "transportation
16 security" over TSA's guidance for how hard TSA claims its employees can
17 forcefully strike compliant, non-suspect passengers in their genitals. Plaintiff
18 contends that there is no security threat, but that contrary to 49 USC 114(r), TSA
19 is using its SSI designation to cover up its own violations of passengers' rights to
20 not be hit in the genitals, and since this Court is now Ordering TSA to produce
21 these non-existent regulations (which would remove any claims of immunity
22 under Graham v. Connor if no guidance exists), TSA therefore wants to pretend
23 that some impossible guidelines exist, but then to get the Court to play along and
24 provide a protective order so TSA can willy-nilly start claiming all production in
25 this case (retroactively) is SSI, to frustrate and impede future proper lawsuits
26 against rogue TSA employees, in clear violation of 49 USC 114(r).

27 39. In Plaintiff's review of all of Defendant's and TSA's production (without specific
28 reference to any SSI), NO WHERE are excessive force standards or authorization to use a
striking motion ever authorized during passenger pat-downs.

- a. Plaintiff guesses that TSA is likely claiming that it wants to release part of its
Standard Operating Procedures under a Protective Order, but that is a ruse!

- 1 b. Plaintiff has explicitly requested (and filed with this Court) where Plaintiff is
2 seeking for TSA to comply with the Court's order regardless of where the
3 information might be located – and it is certainly better if TSA would look to non-
4 SSI source documents (since Plaintiff knows from helping to develop SSI for the
5 FAA that unlike higher-level national security information, TSA and FAA source
6 documents are never “born SSI.”
- 7 c. TSA can and should (if it weren't trying to hide guidance) simply provide the
8 information order by the Court from other, non-SOP documents, or to explain
9 under MacLean, and Gordon, how the excessive force to be used against
10 cooperative passengers is SSI for transportation security. Since TSA knows that
11 they will fail at any transportation security explanations, their only hope to keep
12 information hidden (illegally) is to claim it is SSI, and then to restrict its use as
13 evidence. The Court should not tolerate this, nor be a party to such behavior!
- 14 40. Since the pro se Plaintiff has had to work so diligently to overcome TSA's tricks and
15 ruses, in the interest of justice, the Court should not demand that every reasonable and
16 proper plaintiff be required to go through the same arduous process as Plaintiff.
- 17 41. If TSA still seeks a Protective Order, this Court should at the very least, DENY any such
18 request from TSA while TSA itself is in INDIRECT CIVIL CONTEMPT for failing to
19 obey this Court's Orders of 16 November and 07 December. TSA is in no position to ask
20 this Court for favors for a protective order, over unproven alleged SSI related to groin
21 and genital striking, when TSA is refusing to obey this Court's Orders. Precedent
22 supports this Court DENYING any request from TSA while TSA refuses to comply with
23 the Court's Orders!
- 24 42. Plaintiff has not requested that information come from TSA's Standard Operating
25 Procedures (“SOP”) as proven via the transcript (see Exhibit B) filed with the Court in
26 Plaintiff's reply objection to TSA's Motion to Quash and Plaintiff's related Motion for
27 Sanctions for TSA for false filing. Any claim that TSA's information must come from its
28 SOP, and therefore justify any Protective Order, is a FALSE PREMISE.
43. Plaintiff works daily with SSI (from TSA, and other agencies) as well as FOUO, which
 Plaintiff not only reads, but is authorized to author, edit, redistribute, and possess in
 Plaintiff's multiple occupations of aviation, cybersecurity, and related new business

1 ventures – all as an authorized holder/user/creator of SSI, etc. Any restriction request
2 from TSA must not encumber Plaintiff’s livelihood, for which he already has access, but
3 simply not access to the particular genital-striking guidance that TSA claims it has (and
4 which Plaintiff doubts even exists).

5 44. For all good cause and shown herein, TSA’s request for any unjustified protective order
6 not addressing the good reasons above, should be DENIED with prejudice, so as to put a
7 stop to TSA’s continued false claims of SSI.

8 45. Does TSA attempt to claim restrictions on alleged SSI already provided to Plaintiff and
9 the Court? If so, then TSA’s request should be DENIED as unfeasible and trying to
10 rescind information already in the “public square.”

11 46. TSA is now delaying and refusing to cooperate, because they do not want the public to
12 know of any reasonable excessive force standard that TSA is required to operate within,
13 for fear of lawsuits or reasonable complaints for those few screeners who violate
14 reasonable standards of conduct and reasonable searches.

15 47. TSA’s objections of excessive lawsuits or “chilling effects” have already been dispelled
16 by this Court at the Motions Hearing. TSA is now trying to hide its procedures to avoid
17 precedent and evidence based on this instant lawsuit.

18 CONCLUSION

19 For good cause as demonstrated, Plaintiff requests that the Court’s protective Order of 21
20 December 2017 be VACATED. A suggested order follows the accompanying exhibits.
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EXHIBIT A

Letter from TSA received by Plaintiff, proven as essentially two months late (dated 27 December but received on 08 January, and untimely since due since 10 November 2017) from the deadline for Production by the Court (the first page of that Order follows TSA's letter). TSA'S PRODUCTION STILL DOES NOT MEET THE TSA SUBPOENA NOR THE COURT'S TWO ORDERS TO COMPEL PRODUCTION. Note also that no page counts or specific pages are listed, making it impossible to know if the ~10 pages received are supposed to correspond to previous TSA production, plus without any way to verify authenticity and non-SSI information not produced by TSA.

U.S. Department of Homeland Security
Transportation Security Administration
Office of Chief Counsel
3855 Lewiston Street, Suite 400
Aurora, CO 80011



Transportation
Security
Administration

December 27, 2017

Capt. J. Linlor
1405 S. Fern Street #90341
Arlington, VA 22202

Re: Production of materials containing Sensitive Security Information for purposes of litigating *Capt. James Linlor v. Michael Polson*, No. 1:17-cv-13-AJT-JFA (E.D. Va.)

Dear Captain Linlor:

Pursuant to Court orders entered in the above-referenced lawsuit regarding your conditional access to certain relevant Sensitive Security Information (SSI) for the limited purpose of litigating the case, [ECF Nos. 191, 225 & 246], the Transportation Security Administration (TSA) encloses herewith the materials containing SSI that are responsive to the subpoena served on TSA employee William Whetsell, [ECF No. 134], on October 9, 2017. The enclosed materials are as follows:

- Chapter 4 of Revision 11, Change 1, of TSA's Screening Checkpoint Standard Operating Procedures issued on December 8, 2015;
- the "Divestiture Officer" and "Standard Pat-Down" portions of Defendant Michael Polson's On-The-Job Training Checklist;
- responsive excerpts from TSA's New Hire Training Program Instructor Manual Version 3.1 issued on May 5, 2014; and
- responsive excerpts from TSA's Online Learning Center SOP Refresher Training Course issued on October 1, 2015.

The checklist, instructor manual, and training course were previously produced to you at Mr. Whetsell's deposition on October 20, 2017, with SSI redacted. These materials are enclosed here with no redactions. For your awareness, the information that TSA has designated as SSI is identified with red outlined boxes. No red outlined boxes appear on Chapter 4 of the Standard Operating Procedures because TSA has designated the entire Standard Operating Procedures as SSI in full; all portions of the Standard Operating Procedures must be protected as SSI, and no part of the document can be disclosed or made public in a filing on the Court's public docket.

Also enclosed is a copy of the Protective Order Regarding Sensitive Security Information [ECF No. 246] entered by the Court on December 21, 2017. Your possession and use of materials containing SSI produced to you in this case is governed

Letter to Captain Linlor
December 27, 2017
Page 2 of 2

by the Protective Order, and you must comply with its terms. Please pay particular attention to the terms regarding the proper handling, storage, and transmission of materials containing SSI and the prohibition on disclosing SSI. Any submission or presentation of SSI to the Court must be made under seal and materials filed on the public docket must not contain SSI.

Please let me know if you have questions about any of the above. I can be reached at Nathan.Bryant@tsa.dhs.gov and 571-227-4497.

Sincerely,

//s//

Nathan Bryant
Attorney-Advisor
Office of Chief Counsel
Transportation Security Administration

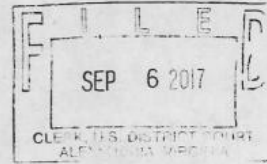
Enclosures

Responsive materials containing SSI
Protective Order Regarding Sensitive Security Information [ECF No. 246]

cc: D'Ontae Sylvertooth
Special Assistant United States Attorney
Attorney for Defendant Michael Polson

www.tsa.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



CAPTAIN JAMES LINLOR,

Plaintiff,

v.

MICHAEL POLSON,

Defendant.

Civil Action No. 1:17cv0013 (AJT/JFA)

RULE 16(B) SCHEDULING ORDER

Upon consideration of the representations made by defendant in Defendant's Proposed Discovery Plan (Docket no. 86) ("Discovery Plan"), by plaintiff in Plaintiff's Attempted Joint Discovery Plan (Docket no. 90), and by defendant's counsel and plaintiff at the initial pretrial conference held on September 6, 2017, and taking note of the Scheduling Order entered in this case (Docket no. 77), the court makes the following rulings:

1. All discovery shall be concluded by November 10, 2017.
2. The Discovery Plan filed by defendant is approved in part as discussed below and shall control discovery to the extent of its application unless further modified by the court.
3. All Fed. R. Civ. P. 26(a)(1) disclosures shall be completed by September 13, 2017.
4. As discussed in the initial pretrial conference, in responding to discovery requests the parties should produce documents in their native form whenever feasible, or in the format specified by the requesting party.
5. Expert disclosures shall be governed by the following schedule and Local Civil Rule 26(D): initial expert disclosures as to any issue upon which a party has the burden of proof

EXHIBIT B

Proof of TSA/DOJ and attorneys Sylvertooth and Bryant (both were on the call below, even though only Bryant and Plaintiff are listed as talking in this segment – the full segment transcript follows) confirming that they willfully knew (as repeatedly requested by Plaintiff since this case’s inception) that Plaintiff specifically did not seek SOP or SSI information without first confirming where and from which non-SSI sources the information came from. TSA has refused to answer this obvious question of sourcing, in their hopes to impede and frustrate Plaintiff’s case.

This conversation occurred on 30 October 2017, before the 10 November Discovery deadline, and TSA still did not produce any proposed non-SSI or secure SSI inspection until 08 January 2018,two months late!

Attorney Bryant: “Can I just ask my specific question is, to the extent that those details that you are talking about – to the extent those details are in the SOP, you do or do not intend to seek them?”

Plaintiff: “I haven’t decided right now, but I’ll tell you this from a language standpoint, commas and periods and spaces are in the SOP also, and I don’t think you can lay claim to those, either. I’m just saying that I have not decided my answer as to seeking things in the SOP or not, I haven’t decided on my answer to that, and the other part is, the fact that the TSA is taking information from other documents, and then wrapping it into the SOP, to be able to assert privilege claims of SSI, when that information is available in other documents where there are no claims to SSI, has not been answered by TSA. Or by anyone. So, I’m saying that I’m not seeking to go and say that it has to be out of the SOP – the information that I’m looking for – I believe as responsive information was in some part other than the SOP before you wrapped it into there, and because there’s been no explanation of how that information is SSI, I’m looking to see wherever that information came from. The point is, to find information to arrive at the truth in this case, not to go and say, well, it has to be SOP. I’m not looking for SOP. I’m looking for the information depending on where it may have been originally sourced from.”

Issues:

1. TSA falsely claimed that Plaintiff insisted on TSA's SOP (see TSA's Motion to Quash, section B beginning on page 3 through page 6, line ~18; Plaintiff believes and has reminded TSA's attorneys that Plaintiff believes that they could comply with the subpoena "by finding the pressure and excessive force guidance from some other document than the SOP; TSA has more than one document, and even information later put into the SOP derives from other documents, that you have not demonstrated that you have attempted to produce, nor provided justifications under Gordon v. FBI."
2. TSA is claiming that ALL documents it has, including documents it claims ARE responsive to the Court's approved Subpoena for pro se Plaintiff, that ALL documents are folded in to the SOP (standard operating procedure) even if they originated and are still held in other documents. In other words, this is exactly what the Court in Gordon v. FBI (ND Calif, 2004) found TSA guilty of doing! Plaintiff does **not** ask to receive TSA's SOP (Plaintiff even explicitly DENIES any such intent as shown in the transcript below!) but rather ONLY the specific relevant pressure and non-excessive force evidence as is appropriate. Plaintiff: **"I'm not looking for SOP. I'm looking for the information depending on where it may have been originally sourced from."**

This is also contrary to the controlling statute of 49 USC 114(r) requiring that information related to a crime not be withheld, and that no other provision of law takes precedent over 49 USC 114(r) per its wording.
3. Defendants disregard TSA's existing disclosures previously filed by Plaintiff (from DHS/TSA) already recognizing commercial pilots, which TSA/Defendant have submitted proof as evidence of Plaintiff's commercial Captaincy, as having standing as aircraft operators for SSI.

TRANSCRIPT OF MEET-AND-CONFER PHONE CALL OF 30 OCTOBER 2017:

Plaintiff (starting around the 7 minute mark): "You keep expanding what you describe I'm claiming, which I believe is inaccurate and misleading. I've read the regulations you're talking about for need to know, and we agree to disagree on that. But what I'm asking about is the very specific force and pressure guidelines. And, if you want to have a discussion on some of this,

1 even the demand you have that this is SSI, the first thing you have to do, under Gordon, is to go
2 and make a claim as to how the specific items that I'm looking for are SSI. And if you don't
3 meet Gordon v. FBI on that, then I'm not going to agree that any of this even is SSI, and
4 therefore you have no standing to make that claim. Are you going to go – and my question to
5 both of you [Sylvertooth and Bryant] please, gentlemen, is are you going to go and make an
6 explanation, following the rules set forth by the Court in Gordon v. FBI, and explain the specific
7 items listed on the subpoena – why you claim that those are SSI. That's my question to you,
8 please."

9 DOJ & TSA Attorney Sylvertooth: "So, I think that there's a little confusion here. I hear what
10 you're saying in regards to what's on the subpoena. TSA has reviewed the subpoena – I've
11 reviewed the subpoena – we've identified documents that are responsive to the subpoena. Those
12 documents include the three sets of documents that you received at the deposition on October
13 20th, and the other aspect that would be potentially covered by the subpoena is a portion of the
14 SOP manual, which is part of the objections. TSA has already determined that the SOP is SSI.
15 So, we don't need to go through any other Gordon v. FBI standards that you alluded to, and oh,
16 by the way, I do not even think is applicable to this case, but TSA has already identified the
17 entire SOP, which is what is at stake with regards to the objection, as SSI. So, the Administrator
18 has already issued a final order on that."

19 TSA Attorney Bryant: "Dontae, can I clarify a little bit too, maybe? Capt. Linlor, what you
20 asked for is guidance about pressure. And so, we have determined that there is some guidance
21 about pressure within the SOP – within one particular chapter of the SOP. But the SOP itself –
22 all parts of it – even the chapter that we believe may have some responsive information – are
23 already designated as SSI that can't be released, and they're designated in two ways: first, the
24 regulation itself says that the SOP is SSI, and second, there is a final order of the TSA
25 administrator that says that the SOP is SSI: no part of it can be disclosed.

26 [NOTE: This is false, since the SOP's Table of Contents was released under a FOIA request (see
27 Plaintiff's previously filed Notice of pending Sanctions). TSA is lying. This claim of no part of
28 the SOP being able to be released is also contrary to 49 USC 114(r), and TSA has been
repeatedly offered protective orders, or even *en camera* reviews, and declined all attempts to

1 assess the relevant and true SSI nature of any responsive information from any document,
2 memo, email, or powerpoint training slide. TSA is stonewalling, and their behaviors support
3 Plaintiff's contention of continued bad faith by TSA.]”

4 Plaintiff: “Well, that’s the end of that conversation, then. You can just withhold it under your
5 claim, we’ll see if your claim gets overridden or not. I believe that I’ve stated enough points, but
6 I’m not going to go through the hoops you’re talking about, because it’s going to fall outside of
7 the process of the discovery order defined by the Court anyways, and I disagree that it is
8 necessary based upon my standing. So, is there anything else we need to discuss?”

9
10 Attorney Sylvertooth: “No, if you’re not interested in by trying to resolve it by going through
11 the process that TSA has outlined and that’s in section 525(d) then I don’t think there’s anything
12 else because we don’t even have the requisite information from you, to confirm whether or you
13 actually fall as a covered employee, other than you said you are a certified airline captain. We
14 have no knowledge regarding that, and so, if you provide us with the minimum information to
15 determine whether you are a covered person, the problem still becomes as Nathan identified, is
16 that you don’t meet the requirements of SSI for need to know, under the regulations. I know that
17 we have a difference of opinion on that. So, what we were trying to do is to get you to the point
18 of a need to know for being a covered person under section 525(d), but if you’re not interested in
19 that, then I ...”

20 Plaintiff: “It’s not that I’m not interested, it’s that – several different things, Mr. Sylvertooth: we
21 disagree that it is applicable, we disagree that I’m going to go and submit to process which
22 you’re already saying which is not going to have an end state where it would even be allowed to
23 be disclosed anyway, I’m not going to go and dangle my, ‘ooh, getting to go and see something
24 SSI that I see all the time,” since the Defendant ... okay, not Defendant but 3rd party TSA’s
25 decision whether or not to go and grant me access by the grace of the King, to go and have
26 access to something that I already have access to. So, I’m not going to go and subjugate myself
27 to a process. It’s not a question of being interested or not interested. You’ve already laid too
28 many roadblocks in this, and it is the fox guarding the henhouse! So the fact that you’re going
and saying if I go and do all these things, **and I’m not interested in the SOP.** I’m interested in

1 if there are, you know, three sentences or something. Now, you haven't shown that you've taken
2 the steps required that I've always laid out previously, that you are required to go and do. Now
3 you said that there's been a final determination. I don't see where you have made the good faith
4 effort to try and have the level of pressure or non-excessive force disclosed. So, I don't see that
5 you've met any of the standards you are required to, I'm certainly not going to subjugate myself
6 to something else that you are putting out there, and right now, you're putting nothing in writing,
7 we're doing everything off the cuff, here, and I'm answering your questions; I think that's
8 closed. Unless you've got something else, I've got to run on with my day, and you can write
9 and file what you want, but if represent that I'm not interested because I just don't want to
10 cooperate, that's misleading and incorrect, and I will go and counter that. "

11 Attorney Sylvertooth: "All right, Capt. Linlor, I understand your position. I don't think there's
12 anything further to discuss. Nathan, anything further from you?"

13 Attorney Bryant: "I just do want to clarify: so, I heard you say there that you were **not**
14 interested in the SOP, but, you do intend to seek the portions of the SOP that are responsive to
15 your inquiry about pressure, or you don't intend to seek that information?"

16
17 Plaintiff: "I intend to see the specific details, wherever they are coming from. And because I
18 don't know what I don't know, the details regarding excessive force and pressure may be in the
19 SOP, they may very well just as likely be in some other documents that are not SSI either, and
20 so there isn't necessarily a single point of source with these, that there would not be some means
21 to go and release the information. And if you say that there is no <crosstalk> .. let me say one
22 more thing, please. And if you say that you don't have any releasable information, that's fine.
23 However, then you have no evidence to prove that there was not – that there is a standard, which
24 has already been claimed by your former partner Ms. Murley. So you guys will have nothing to
25 stand on."

26 Attorney Bryant: "Can I just ask my specific question is, to the extent that those details that you
27 are talking about – to the extent those details are in the SOP, you do or do not intend to seek
28 them?"

1 Plaintiff: "I haven't decided right now, but I'll tell you this from a language standpoint, commas
2 and periods and spaces are in the SOP also, and I don't think you can lay claim to those, either.
3 I'm just saying that I have not decided my answer as to seeking things in the SOP or not, I
4 haven't decided on my answer to that, and the other part is, the fact that the TSA is taking
5 information from other documents, and then wrapping it into the SOP, to be able to assert
6 privilege claims of SSI, when that information is available in other documents where there are no
7 claims to SSI, has not been answered by TSA. Or by anyone. So, **I'm saying that I'm not**
8 **seeking to go and say that it has to be out of the SOP** – the information that I'm looking for –
9 I believe as responsive information was in some part other than the SOP before you wrapped it
10 into there, and because there's been no explanation of how that information is SSI, I'm looking
11 to see wherever that information came from. The point is, to find information to arrive at the
12 truth in this case, not to go and say, well, it has to be SOP. **I'm not looking for SOP. I'm**
13 **looking for the information depending on where it may have been originally sourced from.**"

14 Attorney Sylvertooth: "Okay. I don't have anything. Nathan?"

15 Attorney Bryant: "No, nothing else, thanks"

16 Attorney Sylvertooth: "All right Capt. Linlor. We cannot reach agreement on this, and that's
17 unfortunate at this time, but we'll go from there."

18 Plaintiff: "All right. Thank you both. Bye bye."
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EXHIBIT C

Subpoena on TSA as approved by the Court. Note that no where does Plaintiff ask for SOP or SSI, but rather, solely for excessive force guidelines. Therefore, ALL production, regardless of SSI and non-SSI must be produced. It is unbelievable that TSA has zero notes, discussions, or other guidance that is not in TSA's SOP, that TSA could provide to Plaintiff, to support TSA's claims for guidance allowing them to use excessive force and strike compliant passengers' genitals with excessive force.

Case 1:17-cv-00013-AJT-JFA Document 134 Filed 10/10/17 Page 1 of 3 PageID# 852

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

	UNITED STATES DISTRICT COURT for the Eastern District of Virginia	
Capt. James Linlor Plaintiff)	
v.)	Civil Action No. 1:17cv13 (AJT/JFA)
Michael Polson Defendant)	

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: William Whetsell, c/o Attorney Dontae Sylvertooth, Asst US Attorney, Counsel for TSA
2100 Jamieson Ave, Alexandria, VA 22314
(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:
All actions and evidence related to the events of 10 March 2016 and thereafter, stemming from the alleged felony sexual battery of Plaintiff by Defendant.

Place: Casamo & Associates, 1010 Cameron Street, Alexandria, Virginia 22314 (ph 703-837-0076)	Date and Time: 10/20/2017 2:00 pm
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The deposition will be recorded by this method: Video recording, stenographic, and audio

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: 1. Documents to support all claims and terms/descriptions/categorizations made or used by you in TSA documents; 2. TSA 'standards and training guidelines, practices, and procedures' ("Guidance") related to pressure used by TSOs in passenger pat-downs of thighs, groins, and genitals in pat-downs, plus the same Guidance used to ensure that excessive force is not used in pat-downs

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 10/10/2017

CLERK OF COURT



Signature of Clerk or Deputy Clerk

OR

Attorney's signature

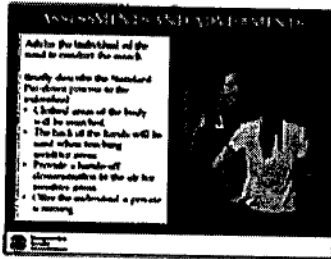
The name, address, e-mail address, and telephone number of the attorney representing (name of party) Capt. J Linlor

EXHIBIT D

The two following documents are the non-SSI training that TSA and Defendant claim allow for use of excessive force in pat-downs of passengers, though Plaintiff does not see any such guidance as required under Graham for claiming of qualified immunity. Without disclosing any alleged SSI, the few pages provided by TSA on 08 January (not included in this section) are not substantively different from those pages which follow, though they do not replace all the pages in this section. The lack of differences and non-markings make the assessment of alleged SSI problematic and uncertain. The few relevant phrases to excessive force do not provide any exculpatory evidence for Defendant, and rather, bolster Plaintiff's claims that Defendant used unauthorized and excessive force by forcefully striking Plaintiff's testicles, resulting in the arrest of Defendant for felony sexual battery by Plaintiff on 10 March 2016.

The second document, since TSA references its SOP Chapter Four, is the SOP Chapter Four released on the internet from 2008, which TSA legally provided, and which clearly does not show any authorizations for excessive force use by TSA screeners. This s provided so the Court can see the type of information provided by TSA. It is not classified, it is not national security, and rather, it is information withheld by TSA for the ostensible purpose of frustrating and impeding any citizens or victims to take legal action against TSA screeners who decide to abuse their responsibilities and authorities, as Defendant in this case did, by forcefully striking Plaintiff's genitals without cause, provocation, or exigency.

Slide 17: Assessments and Advisements



Before conducting a Standard Pat-down:

- Advise the individual of the need to conduct the search.
- Briefly describe the Standard Pat-down process to the individual by mentioning:
 - Clothed areas of the body will be searched.
 - The back of the hands will be used when touching sensitive areas.
 - Provide a hands-off demonstration in the air (not on the individual or the TSO) for:
 - o The groin, buttocks, and upper inner thigh for males
 - o The groin, buttocks, breast areas, and upper inner thigh for females
 - Offer the individual a private screening.

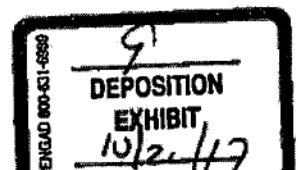
Teaching Point: Here is an example of a statement a TSO could use:

"Hello, I need to conduct a Standard Pat-down. During this procedure, I will be physically searching your entire person, which will be conducted using the front of my hands. When I get to sensitive areas such as (male - buttocks and groin area; female - buttocks, groin and breast area), I'll be using the back of my hands in this fashion [demonstrate this procedure in the air, not on self or another TSO].

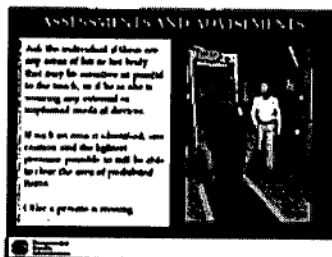
To clear your inner thigh areas, I will be placing one hand on your hip and one hand on your upper inner thigh, which I will gently raise to the point that the thigh meets the torso [demonstrate this procedure in the air, not on self or another TSO] and then slide down. Would you prefer to do this in a private screening area?"

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Version 3.1



Slide 20: Assessments and Advisements



Ask the individual if there are any areas of his or her body that may be sensitive or painful to the touch, or if he or she is wearing any external or implanted medical devices.

If such an area is identified, use caution and the lightest pressure possible to still be able to clear the area of prohibited items.

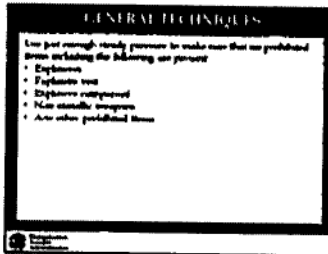
Offer a private screening.

Teaching Point: Inform the participants that some individuals will fail to disclose information about his or her disability or medical condition, particularly when it is a hidden disability. A TSO needs to apply critical thinking skills and situational awareness while conducting the Standard Pat-down to make sure that there are no problem areas which have not been identified before starting the Standard Pat-down.

use informed intuition to better discern the individual's condition.

Teaching Point: Inform participants that additional procedures will be used to screen medical devices and will be covered in the *Individuals with Disabilities or Medical Conditions Adjunct Module* later in the course.

Slide 24: General Techniques



Teaching Point: Inform participants that the amount of pressure should be enough to feel

Teaching Point: Briefly explain that some explosives are pliable and can be molded to the shape of the body underneath garments.

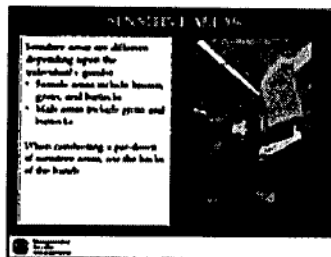
The Standard Pat-down requires that all areas of an individual's body and clothing are visually and physically inspected.

Unless specifically directed otherwise in this lesson, use the front of the hands in a sliding motion.

Use just enough steady pressure to decide that no prohibited items including the following are present:

- Explosives
- Explosive vest
- Explosive component
- Non-metallic weapons
- Any other prohibited items

Slide 25: Sensitive Areas



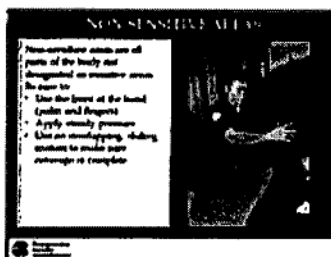
The Standard Pat-down includes a pat-down of sensitive areas of the body using a sliding motion.

Sensitive areas are different depending upon the individual's gender:

- Female areas include breasts, groin, and buttocks
- Male areas include groin and buttocks

When conducting a pat-down of sensitive areas, use the backs of the hands.

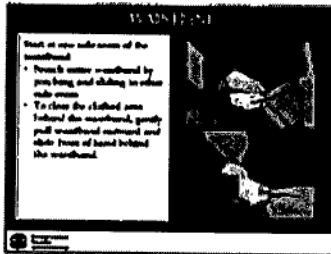
Slide 26: Non - Sensitive Areas



Non-sensitive areas are all parts of the body not designated as sensitive areas. Be sure to:

- Use the front of the hand (palm and fingers).
- Apply steady pressure.
- Use an overlapping, sliding motion to make sure complete coverage is accomplished.

Slide 32: Waistline



Teaching Point: Remind participants to advise the individual before turning or pulling any article of clothing.

After searching the back and side areas:

- Ask the individual to raise and hold the shirt just enough to allow a waistline search if it is covering the waistband.
- [REDACTED]
- Search the entire waistband by pinching it between the thumb and forefingers and sliding to the other side seam of the waistband.

To clear the clothed area behind the waistband:

- Gently pull the waistband outward enough to use the front of one hand in a sliding motion to search the individual's clothed body behind the waistband.
- Do not touch bare skin.



Facilitated Discussion: Facilitate a brief discussion.



Ask: What challenges will you encounter when conducting the Standard Pat-down procedures at the screening checkpoint?

Answer: Answers may include the following:

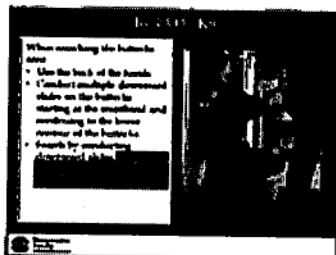
- Different body types
- Variety of apparel and attire
- Sensitive areas
- The importance of using adequate pressure to detect anomalies

Teaching Point: This slide will continue onto the next page.

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Slide 34: Buttocks

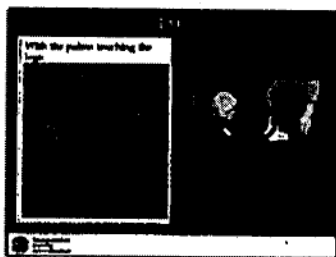


If the individual's pants are loose and baggy, ask him or her to grasp the pleats or belt loops and raise the pants as high as possible. If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants.

When searching the buttocks area:

- Use the back of the hands.
- Conduct multiple downward slides on the buttocks starting at the waistband and continuing to the lower contour of the buttocks.

Slide 35: Leg



If the individual's pants are loose and baggy, ask him or her to grasp the pleats or belt loops and raise the pants as high as possible. If the individual is wearing a flowing skirt, contour the skirt fabric to the individual's body.

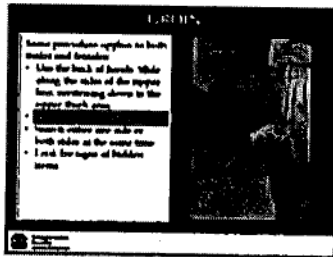
Search the back of the legs by completing the following:

- With the palms touching the legs, place one hand on the hip and the other hand on the upper inner thigh.
- Carefully move the hand on the inner thigh upward where the leg and torso meet.
- Slide the hands down the sides of the leg to the ankle.
- Conduct multiple slides to make sure coverage of the entire back of the leg (do not reach around to the front of the leg).
- Repeat the process for the other leg.

Teaching Point: Remind the participants to observe the clothing as they slide their hands looking for anomalies and never to reach around to areas they cannot see; (for example, the front of the leg) from behind the individual.

Teaching Point: If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants.

Slide 42: Groin



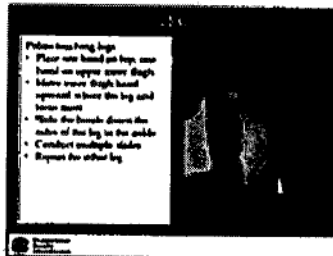
Teaching Point: If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants.

Teaching Point: Remind participants of the Step Forward Method Stance for individuals wearing skirts or dresses.

After searching the waistline, move down to the groin area. Be sure to ask the individual to raise the pants as high as possible if the pants are loose and baggy. The same procedure applies to both males and females.

- Use the back of both hands, held horizontally, to slide along the sides [redacted]
- [redacted]
- Search either one side or both sides at the same time.
- Look for signs that an item may be hidden in the area.

Slide 43: Leg



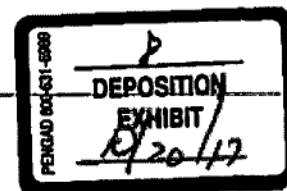
Teaching Point: The pocket and hip areas are non-sensitive and should be screened with the front of the hand.

Teaching Point: If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants.

After searching the groin area, use the front of the hands to search the leg area. Be sure to ask the individual to raise the pants as high as possible if the pants are loose and baggy.

Search the front of the legs by completing the following:

- With the palms touching the legs, place one hand on the hip and the other hand on the upper inner thigh.
- Carefully move the hand on the inner thigh upward where the leg and torso meet.
- Slide the hands down the sides of the leg to the ankle.
- Conduct multiple slides to make sure coverage of the entire front of the leg (do not reach around to the back of the leg).
- Repeat the process for the other leg.



- Provide a hands-off demonstration of the sensitive area search in the air, no on the individual or on a TSO
- Demonstrate the pat-down procedure of the upper inner thigh in the air, not on the individual or on a TSO
- Ask the individual if he or she:
 - Would prefer private screening. If yes, move to a private screening area and maintain control over the individual and his/her screened accessible property
 - Has any implanted or external medical devices. If yes, follow the procedures described in *Screening of Individuals with Disabilities and Medical Conditions*.
 - Has any areas that may be sensitive or painful to touch. If yes, use the lightest pressure possible that will still allow checking the area for prohibited items.
- Describe the Standard Pat-down process to the individual
- Individuals with non-form fitting headwear must be advised of their screening options.
- Individuals wearing skirts or dresses should be advised of the step forward method prior to conducting screening.
- Assess the individual for items to divest and advise the individual to remove:
 - All items from all pockets (metallic and non-metallic)
 - Belts, footwear, jackets
- What must we do with items that are divested?
 - All removed items must be x-ray screened (if available)
- What are some divested items that can be physically inspected?
 - Loose change, hair clips, thin wallets, necklaces, some belts



Would any of you like to share some best practices on remembering the proper advisements?

Answer: Answers will vary, guide officers by reinforcing proper vocabulary

JKC 4 Answer: C

JKC 5 Answer: C

JKC 6 Answer: B

JKC 7 Answer: A

Transition: Let's take a look at some techniques for conducting the Standard Pat-down.

Slides 14-15: General Techniques for Conducting the Standard Pat-down

Facilitator Action: Review the following key points:

- Apply enough steady pressure to satisfactorily see that no item including explosives, explosive vest, non-metallic weapon or any other prohibited item is hidden in the area being searched.
- When in doubt, call a Supervisor and use your resources
- The exact amount of pressure is dependent on the thickness of the clothing worn by the individual being searched.
- Always advise individual before pulling or tugging on an article of clothing
- Always use overlapping sliding motions to make sure complete coverage is accomplished
- Sliding motion for all clothed areas except head and feet (utilize patting motion)
 - Watch for Prohibited items

General Techniques for Conducting a Standard Pat-down

- Steady Pressure
- Always advise individual before pulling or tugging on an article of clothing

- Overlap
- Watch for prohibited items
- Weapons and jewelry



Let's take a look at how a SPD is performed.

- Facilitator will demonstrate with the assistance of a volunteer of the same gender.

Slide 16: Back of the body

Facilitator Action: Review the following key points—

- Advise the individual to stand with his or her feet shoulder width apart with arms outstretched and palms facing upward.
- Standard Pat-downs should be conducted following TSA's order of coverage. The procedure begins at the head.
- **Head** - Use one or both hands to pat down any areas of the head covered by hair that could hide a prohibited item
- **Collar** - Search the collar by pulling it forward and away from the individual's neck. squeeze the collar between the thumb and forefingers.
- ****Teaching point:** advise the individual before turning or pulling any article of clothing**
- **Underarm and arm** - Place one hand on top of the shoulder and the other hand touching the underarm at the armpit.
 - Slide both hands towards the wrist.
 - Conduct as many slides as necessary to completely search the arm.
 - Repeat the process for the other arm.

**Conducting a Standard Pat-down
Back of Body**

- Head
- Collar
- Arms
- Back
- Legs
- Feet
- Waist
- Ankles
- Feet

SOP Refresher Training

- Conduct several slides to make sure to cover the entire back of the leg. Do not reach around to the front of the leg.
- Repeat the process for the other leg.



What are some challenges that you may encounter when conducting the Standard Pat-down?

Answers will vary, but may include the following:

- *Different body types*
- *Variety of apparel and attire*
- *Sensitive areas*
- *Using adequate pressure to resolve alarms*



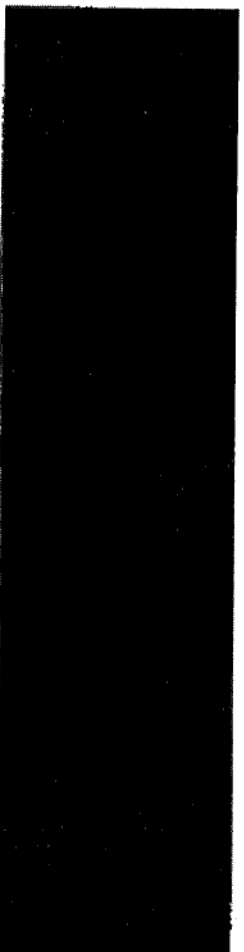
What would you do if the waistband is



Instructor demonstration of the Standard Pat-down: Back of Body.

General Techniques for Conducting a Standard Pat-down

- Steady Pressure
- Always advise individual before pulling or tugging on an article of clothing



- Overlap
- Watch for prohibited items
 - Watches and Jewelry

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Job Knowledge Check # 15

- If the skirt is loose or has an elastic waistband, the TSO MUST:
 - A. Ask the individual to hold on to the waistband
 - B. Offer the individual a private screening to clear the area of the body covered by the skirt or dress
 - C. Use the lightest pressure possible to ensure any prohibited items are detected

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DEPOSITION
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SENSITIVE SECURITY INFORMATION

PAX2 Divestiture Officer On the Job Training (OJT) Checklist

Shading	Key	Indication
		Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
		Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Name:	Michael Polson	Airport:	IAD
TSO ID:	Cynthia Manning	OJT Hours:	10
OJT Monitor:	Jermaine Tyrell	OJT Start Date:	15 Dec 2015
		OJT Completion Date:	07 Jan 2016

Review of Task: The OJT monitor and trainee will discuss and/or demonstrate each task. The OJT monitor places a date in this column to indicate that the trainee has attained requisite knowledge and is ready to be placed in the screening function in a monitored status.

Meets Standards: The trainee will conduct the procedure and the OJT monitor will observe and certify that the trainee has demonstrated the required task to standards.

TSO Tasks		Review of Task		Meets Standards		Comments	
1. General Responsibilities							
A.	Define and locate the entrance to the security screening checkpoint.						
B.	Control the flow of individuals into the screening checkpoint in a manner that neither overcrowds the screening checkpoint nor unduly slows the screening process.						
C.	Engage approaching individuals with direction on proper divestiture procedures.						
D.	Answer security-related questions.						
E.	Manage and allow the movement of individuals from the public area to the sterile area.						
F.	When assigned to an Advanced Imaging Technology (AIT) lane, rotate as part of the AIT rotation.						
G.	Assist individuals in divesting items for x-ray screening and help prepare them for the screening process.						
H.	Do not require individuals to remove prosthetic devices at any time during the screening process.						
I.	Allow individuals to voluntarily remove prosthetic devices to avoid undergoing additional screening.						
J.	1) Allow individuals who voluntarily remove prosthetic devices to transit the Walk-through Metal Detector (WTMD) by hopping, if the removal of their prosthetic deems this action necessary. Monitor and manage the AIT and WTMD queue to include directing individuals to the WTMD during peak operational periods.						
	1) An individual can request to be screened by the AIT when he or she would have otherwise undergone WTMD screening, providing the individual is eligible for AIT screening as described in the Standard Operating						

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Version 1.5

TSA-000142



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SENSITIVE SECURITY INFORMATION

PAX2 Divestiture Officer
On the Job Training (OJT) Checklist

Key	
Shading	Indication
	Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
	Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task	Meets Standards	Comments
Procedures (SOP).				
K.	If applicable, correctly operate all communication equipment associated with the Divestiture Officer (DO) function (e.g., radios and phones).			
II. Advisements				
A.	Instruct individuals on what to divest.			
B.	If an individual opts out of AIT Screening, advise the individual of the following option: 1) To ensure the same level of screening, we will conduct a pat-down. The pat-down will cover sensitive areas, including the upper inner thigh area. Which would you prefer?			
C.	If the individual decides to undergo AIT Screening, allow him or her to do so.			
D.	Direct individuals who opt out of the AIT to a Dynamic TSO.			
E.	Advise individuals that they should divest their wallets and bulky necklaces or necklaces with large pendants that could cause an anomaly in the AIT image and that they may hold the item(s) in their hand during AIT Screening. (Do not ask individuals to divest wallets, necklaces or other jewelry that is not bulky). 1) If the individual declines, explain that by not removing the wallet or necklace, he or she may be required to undergo additional screening because the wallet or necklace may be viewed as an anomaly.			
F.	Recommend to individuals that belts be removed. 1) If the individual declines, explain that by not removing a belt, he or she may be required to undergo additional screening because the belt may be viewed as an anomaly.			
G.	All removed items must be X-rayed (if available). 1) Physically inspect items such as loose change, paper clips, some belts, hair clips, thin wallets, currency or credit cards, and necklaces.			
H.	Inform individual that thin wallets and necklaces removed and held in the individual's hand during AIT Screening may also be physically inspected.			
I.	Individuals eligible for expedited screening are not required to undergo AIT screening and must be directed to the WTMD for screening. An adult carrying an infant or toddler may not undergo AIT screening. 1) If individuals undergoing expedited screening opt into AIT screening, they are not required to remove their footwear, headwear, or light outer garments.			
J.	Individuals older eligible for expedited screening are not required to divest footwear, headwear, and light, outer garments for WTMD or AIT screening except for alarm resolution.			

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Version 1.5

TSA-000143



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SENSITIVE SECURITY INFORMATION

PAX2 Divestiture Officer
On the Job Training (OJT) Checklist

Key	
Shading	Indication
	Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
	Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task		Meets Standards		Comments	
A. Communicate with all individuals in a manner consistent with Transportation Security Administration (TSA) customer service expectations.		III. Customer Service					

Note: The DO does not need to be a certified TSO, unless the lane has an AIT unit. When assigned to a lane with an AIT unit, the DO is part of the AIT rotation and must be AIT certified. However, a Federal Security Director (FSD) may authorize the use of a trained, but non AIT certified TSO as a DO under exigent circumstances. If your airport does not deploy a DO, the tasks on this checklist become part of the function of the WTMD Monitor. The two hours of observation time are already incorporated into the WTMD Checklist. This checklist must be completed along with the WTMD Checklist. The OJT Monitor should make an annotation on the top of each checklist indicating the combination of functions.



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SENSITIVE SECURITY INFORMATION

PAX4 Standard Pat-Down (SPD)
On the Job Training (OJT) Checklist

Key	
Shading	Indication
	Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
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TSO Name:	Michael Polson	Airport:	IAD
TSO ID:	Cynthia Manning	OJT Hours:	10
OJT Monitor:	Jermaine Tyrell	OJT Start Date:	15 Dec 2015
		OJT Completion Date:	07 Jan 2016

Review of Task: The OJT monitor and trainee will discuss and/or demonstrate each task. The OJT monitor places a date in this column to indicate that the trainee has attained requisite knowledge and is ready to be placed in the screening function in a monitored status.

Meets Standards: The trainee will conduct the procedure and the OJT monitor will observe and certify that the trainee has demonstrated the required task to standards.

TSO Tasks		Review of Task		Meets Standards		Comments	
I. Preparation and Positioning							
A.	If the individual to be searched is traveling with a minor, do not separate him or her from the minor.	07 JAN 2016	07 JAN 2016				
B.	If the individual to be searched is a minor, an adult witness with a connection to the minor (parent, guardian, aircraft operator escort, etc.) must be present during the search.	07 JAN 2016	07 JAN 2016				
C.	If the search is conducted in a private screening area, carry all of the individual's screened accessible property to the private screening area.	07 JAN 2016	07 JAN 2016				
D.	Do not allow the individual access to the property until the Standard Pat-down is complete and the individual is cleared.	07 JAN 2016	07 JAN 2016				
E.	Allow the individual to have another individual present, if requested.	07 JAN 2016	07 JAN 2016				
F.	Make every effort to position the individual so that he or she can see his or her accessible property, if applicable.	07 JAN 2016	07 JAN 2016				
G.	Put on a new pair of Transportation Security Administration (TSA)-issued gloves.	07 JAN 2016	07 JAN 2016				
II. Assessment and Advisements							
A.	Advise the individual of the need to conduct the search and describe the process.	07 JAN 2016	07 JAN 2016				
B.	Use a hands-off demonstration of the sensitive area search procedures, and include an advisement that it will be necessary to touch sensitive areas of the body, and that the back of the hand will be used. For males this includes the groin and buttocks. For females this includes the groin, buttocks, and breasts.	07 JAN 2016	07 JAN 2016				

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Version 1.7

TSA-000145



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SENSITIVE SECURITY INFORMATION

PAX4 Standard Pat-Down (SPD)
On the Job Training (OJT) Checklist

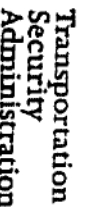
Key	
Shading	Indication
	Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
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TSO Tasks		Review of Task	Meets Standards	Comments
C.	When demonstrating the pat-down procedure of the upper, inner thigh area, demonstrate the procedure in the air – not on the individual or on a Transportation Security Officer (TSO).	07 JAN 2016	07 JAN 2016	
D.	For those individuals eligible for expedited screening and others who must be searched using the Modified Standard Pat-down, modify the advisement and hands-off demonstration of the upper inner thigh area search accordingly.	07 JAN 2016	07 JAN 2016	
E.	Offer the individual a private screening.	07 JAN 2016	07 JAN 2016	
F.	1) Always have a TSA-provided witness of the same gender as the individual (such as a TSO, Supervisory Transportation Security Officer (STSO), Federal Security Director (FSD) staff member, Law Enforcement Officer (LEO), aircraft operator representative, or airport employee) present in the private screening area. If a witness of the same gender as the individual is not available, follow opposite gender screening procedures.	07 JAN 2016	07 JAN 2016	
G.	If the individual is unable to walk or stand for the duration of a Standard Pat-down, follow the procedures for screening an individual with a disability.	07 JAN 2016	07 JAN 2016	
H.	Assess the individual for items that must be divested before beginning the search.	07 JAN 2016	07 JAN 2016	
I.	Advise the individual to remove all items from all pockets (not just metallic items), as well as belts, shoes, wallets, and jackets.	07 JAN 2016	07 JAN 2016	
J.	1) Small items divested such as loose change, paper clips, hair clips, and some belts may be physically inspected by the TSO rather than submitted for x-ray examination.	07 JAN 2016	07 JAN 2016	
K.	2) Thin wallets and necklaces removed and held in the individual's hand during Advanced Imaging Technology (AIT) screening may also be physically inspected.	07 JAN 2016	07 JAN 2016	
L.	3) If an x-ray is not available (for example, a pat-down conducted as part of gale screening), physically inspect items.	07 JAN 2016	07 JAN 2016	
M.	If an individual is wearing non-form fitting headwear, advise the individual of the need to conduct headwear screening procedures and what screening options are available.	07 JAN 2016	07 JAN 2016	
N.	Ask the individual if he or she has any areas on his or her body that may be sensitive or painful if touched, or if he or she is wearing any external or implanted medical devices.	07 JAN 2016	07 JAN 2016	
O.	1) If such sensitive or painful areas exist, use caution and clear the area of prohibited items.	07 JAN 2016	07 JAN 2016	
P.	Always advise an individual before pulling or tugging on an article of clothing.	07 JAN 2016	07 JAN 2016	
Q.	Advise the individual to stand with his or her feet shoulder width apart and his or her arms outstretched and palms upward, unless he or she is wearing a skirt or a dress. Advise an individual wearing a skirt or a dress to stand in the step forward method stance.	07 JAN 2016	07 JAN 2016	

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Version 1.7

TSA-000146



Standard Pad-down General Techniques

Meets Standards

Comments

Sharing	Indication
	Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
	Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task		Meets Standards	Comments
III. Standard Pat-down General Techniques					
A.	Unless specifically directed otherwise in these procedures, for all areas, use the front of the hands (palm and fingers) in a sliding motion.	07 JAN 2016	07 JAN 2016		
B.	When searching sensitive areas, use the back of the hand. Sensitive areas for females include the breasts, groin, buttocks, and upper inner thigh. Sensitive areas for males include the groin, buttocks, and upper inner thigh.	07 JAN 2016	07 JAN 2016		
C.	Apply enough steady pressure to make sure that no item, including an explosive, explosive vest, large non-metallic weapon, or any other prohibited item is hidden in the area being searched. The exact amount of pressure is dependent on the thickness of the clothing worn by the individual being searched.	07 JAN 2016	07 JAN 2016		
D.	To ensure complete coverage	07 JAN 2016	07 JAN 2016		
E.	Always look at the area being searched for prohibited items that may be hidden	07 JAN 2016	07 JAN 2016		
F.	Items such as watches and jewelry may be visually and/or physically inspected.	07 JAN 2016	07 JAN 2016		
G.	While conducting the pat-down, communicate the steps of the pat-down to the individual.	07 JAN 2016	07 JAN 2016		
H.	Always advise the individual of the need to pat-down an area before touching them.	07 JAN 2016	07 JAN 2016		
IV. Conducting the Standard Pat-down					
A.	Begin the search while standing behind the individual.	07 JAN 2016	07 JAN 2016		
B.	Visually examine the head area. If necessary, conduct a pat-down (patting motion - not sliding), to decide whether the individual's head is free of hidden prohibited items. For example, some elaborate hair styles and form-fitting headwear may require a pat-down.	07 JAN 2016	07 JAN 2016		
1)	Use one or both hands to pat-down any areas of the head covered by hair that could hide a prohibited item.	07 JAN 2016	07 JAN 2016		
2)	Apply enough pressure to verify that no prohibited items are present.	07 JAN 2016	07 JAN 2016		
C.	Search the collar by pulling it forward (away from neck) and squeezing it between the thumb and forefingers.	07 JAN 2016	07 JAN 2016		
1)	Begin at the center of the collar and slide the hands in opposite directions toward the front of the collar.	07 JAN 2016	07 JAN 2016		
2)	If unable to clear the entire collar while positioned behind the individual, clear the front of the collar while searching the front of the individual.	07 JAN 2016	07 JAN 2016		
D.	Starting with the underarm and arm, search the back of the body using a sliding motion.	07 JAN 2016	07 JAN 2016		
1)	Place one hand on top of the shoulder and the other hand touching the underarm at the armpit.	07 JAN 2016	07 JAN 2016		
2)	Slide both hands towards the wrist.	07 JAN 2016	07 JAN 2016		
3)	Conduct as many slides as necessary to completely search the arm.	07 JAN 2016	07 JAN 2016		



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SENSITIVE SECURITY INFORMATION

PAX4 Standard Pat-Down (SPD) On the Job Training (OJT) Checklist

Shading	Indication
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TSO Tasks		Review of Task		Meets Standards	Comments
a.	Visually inspect unclothed arms and hands.	07 JAN 2016	07 JAN 2016		
b.	Visually and physically inspect items such as watches, bracelets, and rings.	07 JAN 2016	07 JAN 2016		
4)	Repeat the process for the other arm.	07 JAN 2016	07 JAN 2016		
E.	Back. Begin at the top of one shoulder and slide one or both hands downward over the back, ending just below the waistline, without touching a sensitive area.	07 JAN 2016	07 JAN 2016		
		07 JAN 2016	07 JAN 2016		
		07 JAN 2016	07 JAN 2016		
3)	Repeat the process for the other side, starting at the shoulder.	07 JAN 2016	07 JAN 2016		
F.	Slide the hands down the individual's sides from the armpits to just below the hips. Use one hand or both hands at the same time.	07 JAN 2016	07 JAN 2016		
G.	Waistline (back of body): If the individual's shirt is covering the waistband, ask him or her to raise and hold the shirt just enough to allow the search of the waistline.	07 JAN 2016	07 JAN 2016		
1)	search the entire waistband by pinching it between the thumb and forefingers and sliding to the other side seam of the waistband.	07 JAN 2016	07 JAN 2016		
2)	To clear the clothed area behind the waistband, gently pull the waistband outward enough to use the front of one hand in a sliding motion to search the individual's clothed body behind the waistband. Do not touch bare skin.	07 JAN 2016	07 JAN 2016		
a.	If [redacted] turn the waistband outward and search the entire waistband by pinching it between the thumb and forefingers. Use the front of one hand in a sliding motion to search the individual's clothed body behind the waistband. Do not touch bare skin.	07 JAN 2016	07 JAN 2016		
b.	If [redacted] slide along the outside of the waistband with the front of the hand.	07 JAN 2016	07 JAN 2016		
H.	Buttlocks: If the individual's pants are loose and baggy, ask him or her to grasp the pleats or belt loops and raise the pants as high as possible. If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants.	07 JAN 2016	07 JAN 2016		
1)	Use the back of the hands to conduct multiple downward slides on the buttocks starting at the waistband and continuing to the lower contour of the buttocks, covering from one side seam to the opposite side seam.	07 JAN 2016	07 JAN 2016		

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TS-A-000148



PAX4 Standard Pat-Down (SPD) On the Job Training (OJT) Checklist

Shading	Indication
	Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standard.
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TSO Tasks		Review of Task	Meets Standards	Comments
I. Legs (back of body): If the individual's pants are loose and baggy, ask him or her to grasp the pleats or belt loops and raise the pants as high as possible. If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants. If the individual is wearing a flowing skirt, contour the skirt fabric to the individual's body.				
1)	With the palms touching the legs, place one hand on the upper outer thigh and the other hand on the upper inner thigh.	07 JAN 2016	07 JAN 2016	
2)	Carefully move the hand on the inner thigh upward until body resistance is met (where the leg and torso meet).	07 JAN 2016	07 JAN 2016	
3)	Slide hands down the sides of the leg to the ankle.	07 JAN 2016	07 JAN 2016	
4)		07 JAN 2016	07 JAN 2016	
a.	Do not reach around to the front of the leg.	07 JAN 2016	07 JAN 2016	
5)	Repeat the process for the other leg.	07 JAN 2016	07 JAN 2016	
J.	After searching the back and side areas of the individual, advise the individual to lower his or her arms and move to the front side.	07 JAN 2016	07 JAN 2016	
K.	Search the front of the body using a sliding motion.			
L.	Collar (front of body): Complete searching the collar, as necessary.	07 JAN 2016	07 JAN 2016	
M.	Front torso down to waist: Begin at the top of the shoulder and slide either one or both hands downward over the torso ending just below the waistline, without touching a sensitive area.	07 JAN 2016	07 JAN 2016	
1)		07 JAN 2016	07 JAN 2016	
2)		07 JAN 2016	07 JAN 2016	
N.	Breasts: When searching females, slide the front of the hand down to where the top of the breast begins.	07 JAN 2016	07 JAN 2016	
1)	Press the outer side of one hand between the breasts and slide it down and underneath the breast in one motion. The back of the hand must be the portion of the hand that comes into contact with the sides of the breast.	07 JAN 2016	07 JAN 2016	
2)	Repeat on the other side.	07 JAN 2016	07 JAN 2016	
3)	Using downward sliding motions with the front of the hand, search the remainder of the front torso below the breast area ending just below the waistline, without touching a sensitive area.	07 JAN 2016	07 JAN 2016	
O.	Waistline (front of body): If the individual's shirt is covering the waistband, ask him or her to raise and hold the shirt just enough to allow the search of the waistline.	07 JAN 2016	07 JAN 2016	
1)	search the entire waistband by pinching it between the thumb and forefingers and sliding to the other side seam of the waistband.	07 JAN 2016	07 JAN 2016	



PAX4 Standard Pat-Down (SPD) On the Job Training (OJT) Checklist

Shading	Key	Indication
		Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
		Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task		Meets Standards	Comments
2) To clear the clothed area behind the waistband, gently pull the waistband outward enough to use the front of one hand in a sliding motion to search the individual's clothed body behind the waistband. Do not touch bare skin.	a. If [redacted] turn the waistband outward and search the entire waistband by pinching it between the thumb and forefingers. Use the front of one hand in a sliding motion to search the individual's clothed body behind the waistband. Do not touch bare skin.	07 JAN 2016	07 JAN 2016		
	b. If [redacted] slide along the outside of the waistband with the front of the hand.	07 JAN 2016	07 JAN 2016		
P. Groin area: If the individual's pants are loose and baggy, ask him or her to grasp the pleats or belt loops and raise the pants as high as possible. If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants. Search either one side or both sides at the same time.	1) For males and females, use the back of both hands, held horizontally, to slide along the sides and within 1 inch of the "zipper line."	07 JAN 2016	07 JAN 2016		
	2) Make every effort not to touch the "zipper line."	07 JAN 2016	07 JAN 2016		
Q. Legs (front of body): If the individual's pants are loose and baggy, ask him or her to grasp the pleats or belt loops and raise the pants as high as possible. If a disability or medical condition prevents an individual from doing this unassisted, ask for the individual's permission before assisting to raise the pants. If the individual is wearing a flowing skirt, contour the skirt fabric to the individual's body.	1) With the palms touching the legs, place one hand on the upper outer thigh and the other hand on the upper inner thigh.	07 JAN 2016	07 JAN 2016		
	2) Carefully move the hand on the inner thigh upward until body resistance is met (where the leg and torso meet).	07 JAN 2016	07 JAN 2016		
3) Slide the hands down the sides of the leg to the ankle.	4) Conduct several slides to make sure to cover the entire front of the leg.	07 JAN 2016	07 JAN 2016		
	5) Repeat the process for the other leg.	07 JAN 2016	07 JAN 2016		
R. Feet: Visually inspect the tops of bare feet.	1) Search feet with socks by placing one hand on top of the foot, curling fingers around the sides of the foot	07 JAN 2016	07 JAN 2016		



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PAX4 Standard Pat-Down (SPD)
On the Job Training (OJT) Checklist

Key	
Shedding	Indication
	Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
	Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task		Meets Standards	Comments
2) If the individual is unable to remove his or her shoes, follow the procedures for individuals with disabilities and medical conditions.		07 JAN 2016	07 JAN 2016		
S. Explosive Trace Detection (ETD) of Gloves:		07 JAN 2016	07 JAN 2016		
1) If the ETD does not alarm, the individual is clear.		07 JAN 2016	07 JAN 2016		
2) If the ETD alarms, notify the SISO.		07 JAN 2016	07 JAN 2016		
T. If a TSO has articulable belief that an individual may be secreting a prohibited item in a sensitive area that cannot be resolved using a Standard Pat-down, notify the SISO.		07 JAN 2016	07 JAN 2016		
U. After all areas of the body have been searched, all suspicious areas or alarms have been cleared, an ETD of Gloves and there is no alarm or any alarm has been cleared, the individual may be permitted to enter the sterile area or onboard an aircraft. Remind the individual to collect his or her screened personal property from the x-ray belt or private screening area, if applicable.		07 JAN 2016	07 JAN 2016		
V. Individuals Exempt from Standard Pat-down					
A. For those individuals eligible for expedited screening and others who must be searched using the Modified Standard Pat-down, modify the leg area search as follows:		07 JAN 2016	07 JAN 2016		
1) With the palms touching the legs (front or back), place one hand on the upper outer thigh and the other hand on the upper inner thigh.		07 JAN 2016	07 JAN 2016		
2) Slide the hands down the sides of the leg to the ankle.		07 JAN 2016	07 JAN 2016		
3) Conduct several slides to make sure to cover the entire front of the leg.		07 JAN 2016	07 JAN 2016		
4) Repeat the process for the other leg.		07 JAN 2016	07 JAN 2016		
B. For those individuals eligible for expedited screening and others who must be searched using the Modified Standard Pat-down, modify the waistline area search as follows:		07 JAN 2016	07 JAN 2016		
VI. Individuals Wearing Skirts or Dresses					
A. Advise an individual wearing a skirt or dress to stand in the Step Forward Method Stance. If the skirt is loose or has an elastic waistband, ask the individual to hold on to the waistband.		07 JAN 2016	07 JAN 2016		
B. Contour the skirt fabric to the individual's body to enable the pat-down.		07 JAN 2016	07 JAN 2016		
C. Individuals wearing light skirts should be searched as thoroughly as possible without touching uncolthed areas.		07 JAN 2016	07 JAN 2016		
D. Instruct the individual to stand in the positions described below to allow screening the individual's legs.		07 JAN 2016	07 JAN 2016		



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PAX4 Standard Pat-Down (SPD)
On the Job Training (OJT) Checklist

Shading	Key	Indication
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		Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task		Meets Standards	Comments
1) Ask the individual to maintain the shoulder width position, take one step forward, and angle the leading foot outward. The size of the step will vary with each individual. Make sure the stance will allow searching from the top of the inner thigh.		07 JAN 2016	07 JAN 2016		
2) Ask the individual to step back, and then to step forward with the other leg extended out, with the leading foot angled outward.		07 JAN 2016	07 JAN 2016		
E. Conduct the Standard Pat-down as described in this checklist.					
F. If an individual wearing a tight skirt cannot be searched, notify an STSO.		07 JAN 2016	07 JAN 2016		
07 JAN 2016		07 JAN 2016	07 JAN 2016		
VII. Standard Pat-down Suspicious Area Resolution					
A. Resolve suspicious areas (areas where the TSO feels something on the body) as follows:		07 JAN 2016	07 JAN 2016		
1) If an actual or possible prohibited item is discovered, notify the STSO.		07 JAN 2016	07 JAN 2016		
B. If unable to tell whether an area on the individual's body is hiding an item:		07 JAN 2016	07 JAN 2016		
1) Ask the individual if he or she has an item placed in the area and if he or she is able to remove it.		07 JAN 2016	07 JAN 2016		
2) If the individual removes an item, search the area again to verify there are no other anomalies.		07 JAN 2016	07 JAN 2016		
a. Divested items must be screened with x-ray or physical inspection.		07 JAN 2016	07 JAN 2016		
3) Continue the Standard Pat-down.		07 JAN 2016	07 JAN 2016		
C. If the individual does not remove an item or removal of the item does not clear the area, notify the STSO.		07 JAN 2016	07 JAN 2016		
VIII. Headwear Screening Procedures					
A. Advise an individual with non-form fitting headwear that if headwear is not x-ray screened, the following screening options are available. This does not apply to individuals eligible for expedited screening who have not alarmed the Walk-through Metal Detector (WTMD) or have not been identified as secreting a prohibited item when undergoing AIT screening.		07 JAN 2016	07 JAN 2016		
1) If the individual chooses to remove the headwear but will not allow it to be x-ray screened, [redacted] at the WTMD may be conducted.		07 JAN 2016	07 JAN 2016		
2) If the individual chooses not to remove the headwear:		07 JAN 2016	07 JAN 2016		
a. A Standard Pat-down of the headwear may be conducted.		07 JAN 2016	07 JAN 2016		
b. If the individual does not want the headwear to be touched, a Headwear Self Pat-down may be conducted. If the individual has not undergone metal detection screening, a Headwear Self Pat-down is not an option.		07 JAN 2016	07 JAN 2016		
3) Advise the individual that either a Standard Pat-down of the headwear or a Headwear Self Pat-down may be conducted in a private screening area.		07 JAN 2016	07 JAN 2016		

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PAX4 Standard Pat-Down (SPD)
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Shading	Key	Indication
		Task must be reviewed and/or demonstrated to proficiency and a date placed in the box to indicate TSO met standards.
		Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task		Meets Standards	Comments
B. If the individual chooses to remove the headwear.					
1) Visually and physically inspect the headwear to make sure no prohibited items are present. Pay particular attention to parts of the headwear thick enough to hide an Improvised Explosive Device (IED) or IED components.		07 JAN 2016	07 JAN 2016		
2) If no prohibited items are found, the headwear may be cleared.		07 JAN 2016	07 JAN 2016		
C. If the individual chooses not to remove the headwear, opting instead for either a Standard Pat-down of the headwear or a Headwear Self Pat-down, conduct a Standard Pat-down of the headwear or a Headwear Self Pat-down.					
IX. Standard Pat-down of Headwear Procedures					
A. make sure no prohibited items are present.		07 JAN 2016	07 JAN 2016		
B. Apply enough pressure to verify that no prohibited items are present.		07 JAN 2016	07 JAN 2016		
X. Headwear Self Pat-down Procedures					
A. Direct the individual to press down all areas of his or her headwear.		07 JAN 2016	07 JAN 2016		
B. After the individual has pressed down on all areas of his or her headwear, obtain ETD samples by sampling each of the individual's palms.		07 JAN 2016	07 JAN 2016		
C. Request that the individual uncover three inches of his or her wrist by unrolling or sliding sleeves or clothing covering the wrist, if possible. With the individual's palm up, take one swipe:		07 JAN 2016	07 JAN 2016		
1) Lengthwise from three inches above the wrist to the end of the fingertip of the middle finger. If the individual is wearing long sleeves that cannot be uncovered, begin the swipe on the fabric of the sleeve.		07 JAN 2016	07 JAN 2016		
2) [REDACTED]		07 JAN 2016	07 JAN 2016		
4) [REDACTED]		07 JAN 2016	07 JAN 2016		
D. If the ETD sample alarms, notify the SISO.					
1) The individual's headwear must be removed. Offer the individual the opportunity to remove his or her headwear in a private screening area.		07 JAN 2016	07 JAN 2016		
2) Conduct x-ray examination of the headwear.		07 JAN 2016	07 JAN 2016		
3) Conduct a Standard Pat-down of the individual.		07 JAN 2016	07 JAN 2016		
XI. Customer Service					

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PAX4 Standard Pat-Down (SPD) On the Job Training (OJT) Checklist

Key	
Shading	Indication
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	Indicates task may not be observable (and does not require a live demonstration), however the OJT Monitor must ensure the TSO can articulate and/or demonstrate the procedure.

TSO Tasks		Review of Task		Meets Standards	Comments
A. Communicates with all individuals in a manner consistent with TSA customer service expectations.		07 JAN 2016	07 JAN 2016		
A. Notify an STSO if one of the following occur:		XII. STSO Notification			
1)	An actual or possible prohibited item identified by an asterisk on the TSA Prohibited/Permitted Items List is discovered.	07 JAN 2016	07 JAN 2016		
2)	A suspicious area cannot be satisfactorily resolved.	07 JAN 2016	07 JAN 2016		
3)	An individual becomes irate or unruly.	07 JAN 2016	07 JAN 2016		
4)	An individual departs the area before completing the screening process.	07 JAN 2016	07 JAN 2016		
5)	An individual requests to speak to an STSO.	07 JAN 2016	07 JAN 2016		
6)	An individual requests a private screening.	07 JAN 2016	07 JAN 2016		
7)	An individual refuses additional screening after causing a WTMD to alarm.	07 JAN 2016	07 JAN 2016		
8)	An actual or possible prohibited item identified by an asterisk on the TSA Prohibited/Permitted Items List is discovered.	07 JAN 2016	07 JAN 2016		
9)	Any circumstance that prevents a TSO from properly conducting the screening function.	07 JAN 2016	07 JAN 2016		

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AVIATION SECURITY

SCREENING MANAGEMENT STANDARD OPERATING PROCEDURES



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Transportation Security Administration (TSA) personnel and contractors must use and implement these standard operating procedures in carrying out their functions related to security screening of passengers, accessible property and checked baggage. Nothing in these procedures is intended to create any substantive or procedural rights, privileges, or benefits enforceable in any administrative, civil, or criminal matter by prospective or actual witnesses or parties. See *United States v. Caceres*, 440 U.S. 741 (1979).

Chapter 4

4. SPECIALIZED AND ALTERNATIVE SCREENING PROCEDURES

All individuals, accessible property, and checked baggage must undergo screening as described in this SOP, the Checked Baggage and the Screening Checkpoint SOPs unless the TSO identifies an individual and/or property as eligible for specialized screening, checked baggage alternative screening, or a Government official requests a screening exemption. When specialized screening is required, the STSO must ensure that the identification requirements and screening procedures in this chapter are followed.

4.1. DIPLOMATIC POUCHES

- A. Diplomatic pouches are exempt from any form of screening. A diplomatic pouch can be a bag, pouch, or container holding diplomatic correspondence, documents, or articles. Although an individual transporting a diplomatic pouch may have diplomatic immunity, that individual and his or her non-diplomatic accessible property and checked baggage must undergo screening and all alarms must be resolved.
- B. The diplomatic pouch must have visible external markings in English that state "Diplomatic Pouch" or "Diplomatic Bag". The pouch must bear an official seal of the sending government or international organization. For example, a seal could be a lead seal attached to a tie that closes the pouch, a printed seal on the fabric of the pouch, or an ink seal impressed on a detachable tag. The pouch must be addressed to an office of the government or international organization whose seal the pouch bears. For unaccompanied pouches tendered as checked baggage, a detachable certificate will be affixed to the outside of the pouch that describes the pouch and certifies the contents as diplomatic materials. The Department of State (DOS) encourages diplomatic couriers to notify the aircraft operator that they are carrying a diplomatic pouch.
- C. When a diplomatic pouch is presented by a diplomatic courier to TSA at a screening checkpoint or screening location, the STSO must check that the diplomatic courier is carrying an official or diplomatic passport and a courier document or letter on their person for identification. A courier letter must be on appropriate letterhead stationary and must bear a seal of the sending state, embassy, consulate, or international organization. The courier letter must be signed by the relevant Ambassador or Chief of Mission serving in the United States. The courier document must clearly identify the bearer and his or her status as a diplomatic courier and must contain information sufficient to identify the pouch(es), to include the number of pouches being escorted.
- D. After clearing the required documentation listed in paragraph C., the STSO must ensure the diplomatic pouch is not submitted for screening. Improperly documented pouches or pouches without the required external markings must not be opened, must not be allowed into the sterile area, and must be returned to the courier.
- E. If a diplomatic pouch is inadvertently presented for screening **or is discovered during** the screening process:
 - 1) At the screening checkpoint, a TSO must not open the pouch. The TSO must notify an STSO who must contact the diplomatic courier and verify the courier's documents. After the documents are verified, the diplomatic pouch is exempt from further screening.
 - 2) **At the checked baggage screening location, a TSO must not open the pouch. The TSO must notify an STSO who must ensure no further screening is conducted on the pouch. The STSO must:**
 - a. **Not mark the pouch with any TSA-specific indicator.**

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b. Place the pouch beyond all TSA checked baggage screening systems (EDS and ETD).

- 3) Diplomatic pouches that are inadvertently submitted for screening and that alarm (either accessible property or checked baggage) **must be denied access to the sterile or secured area** and returned by the STSO to the diplomatic courier or aircraft operator without any further screening. If required, notify an LEO/BAO for items that alarmed the screening system.

- F. Incidents involving submission for screening or inadvertent screening of diplomatic pouches must be immediately reported to the FSD or his or her designee.

4.2. CHECKPOINT SCREENING DOCUMENTATION**4.2.1. INDIVIDUAL IDENTIFICATION DOCUMENT REQUIREMENTS**

The procedures in this chapter require an individual to establish his or her eligibility for specialized screening procedures by producing identification documentation. The STSO must ensure that required identification documentation is validated as specified in this chapter prior to clearing the individual into the sterile area.

A. Authorization to Inspect Identification

- 1) An airport-assigned LEO (if available), **STSO**, or TSA representative designated by an FSD is authorized to verify **the required identification of the following individuals**; LEOs, **FAMs**, Bureau of Engraving and Printing (BEP), National Security Agency (NSA), and **Central Intelligence Agency Protective Operations Division (CIA POD)** personnel, FFDOs, armed security guards, and **TSA employees flying with a working canine**.
- 2) **An STSO or TSA representative designated by an FSD is authorized to verify the required identification of the following individuals: TSA screening personnel, TSA credentialed employees, aircraft operator flight crew, CIA Worldwide Operational Meet and Assist Program (WOMAP) personnel, Office of Foreign Missions Interagency Liaison Group (OFLMILG) Agents, U.S. Classified Document Couriers, and U.S. or Foreign Diplomatic Pouch Couriers.**

B. Types of Identification

The following is a list and description of each type of identification or documentation that individuals must present when requesting specialized screening procedures:

- 1) **Badge and Credential:** The credential must contain a clear full-face picture, the signature of the individual, and either the signature of the authorizing official of the agency, service, or department or the official seal of the agency or department. A badge, shield, or other similar device must not be used or accepted as the sole means of ID. A badge or credential annotated with the word "retired" is NOT valid for purposes of specialized screening as provided for in Section 4.3.1. of this SOP. Except as noted, the badge (or "shield") must be checked to ensure the name of the agency, service, or department matches that of the credential presented, and both must match the agency, service, or department listed on any other document that is presented as part of the process. An exception to this requirement is granted to LEOs flying armed in support of the Joint Terrorism Task Force (JTTF). Agency, service, or department information on the LEO's JTTF credential need not match similar information on the LEO's badge.
- 2) **Official Government agency ID:** A photo identification must bear the represented agency, service, or department official seal and match the agency, service, or department listed on any other document that is presented as part of the process (for example, a courier letter). The TSA employee ID card or the Department of Homeland Security (DHS) employee ID card are examples of an official Government agency ID.
- 3) **Government-issued photo ID:** Examples of these IDs include passports, driver's licenses, state-issued identity cards, official Government agency ID, and Resident Alien Cards. Refer to Section 2A-4. of this SOP for additional acceptable Government-issued photo IDs.

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- 4) Local airport ID card: The ID issued to personnel who have access privileges at the airport. It may vary in color and style depending on the type of access it grants at the airport. Personnel charged with verifying identification must be able to recognize all local airport ID media that grant access to the screening checkpoint. **If a distinctive local airport ID or a modified version of the airport ID that signifies unescorted access privileges to armed LEOs is issued to armed Federal, State, or local LEOs, the ID used for this purpose must have a permanent, readily visible, and unique design element. Removable stickers or adhesive designs must not be used.**
- 5) Company badge and credential: The type and characteristics of these forms of ID will vary depending on the employer. TSA personnel must ensure that the badge, credential, and insignia on the individual's uniform all match.
- 6) Aircraft operator ID card: The type and characteristics of these forms of identification will vary depending on the employer and the task assigned to the employee. TSA personnel must ensure that the photo on the ID matches the individual presenting the ID.
- 7) Notice of LEO flying armed document: This document acknowledges that the armed LEO has aircraft operator concurrence to fly armed. The specific name of the form and characteristics of the document will vary depending on the aircraft operator.

4.2.2. CHECKPOINT SIGN-IN LOGBOOK

Using TSA Form 413A (Checkpoint Sign-In/LEO Log, located on the TSA Intranet Forms page), the STSO must maintain a logbook at the screening checkpoint that provides a written record of those individuals who are provided specialized screening. Any logbook entry must be retained at the airport under the control of the FSD for at least 30 days. FSDs are authorized to extend this retention period as required.

- A. Logbook entries must be completed by either the individual, an airport assigned LEO, an STSO, or a designated TSA representative. When an airport assigned LEO, STSO, or designated TSA representative completes the entry, he or she must have the exempted individual confirm and sign the logbook.
- B. The logbook entry requirement does not apply to **FAMs** and FAM team augmentees.
- C. The following individuals must complete the applicable sections of the logbook:
 - 1) An LEO flying armed
 - 2) **An unarmed LEO or credentialed TSA employee flying with a working canine and requesting specialized screening**
 - 3) **A DOS employee escorting dignitaries**
 - 4) **An armed security guard requesting specialized screening**
- D. The logbook entry requirement does not apply to those armed Federal, State, or local LEOs at airports where the airport operator has chosen to issue either a distinctive airport ID or a modified version of the airport ID that signifies unescorted access privileges to armed LEOs. If the LEO is flying armed, he or she must complete a logbook entry. Either an STSO or TSO may inspect the LEO's distinctive or modified airport ID.
- E. If requested by a law enforcement agency, the FSD may authorize completion of the logbook entry requirement for armed LEOs and their prisoners or escorts at an airport location other than the screening checkpoint (for example, a VIP lounge or TSA offices) in order to ensure the security of a protectee and/or facilitate the movement of the protectee through the screening checkpoint.

4.3. SPECIALIZED CHECKPOINT SCREENING PROCEDURES

This section, in conjunction with Attachments 4-1 and 4-2, lists those individuals and property eligible for specialized screening. It also describes the type of identification and/or documentation the individuals must present and to what extent they are to be screened. If at any time during the screening process an individual assaults, threatens, intimidates, or otherwise interferes with TSA screening personnel performing screening duties, the STSO must:

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- A. Immediately notify an airport assigned LEO.
- B. Provide a written summary of the incident to TSA management as soon as possible, but not to exceed 24 hours after the incident or as directed by the FSD. The summary must include the name, address, and all available flight information of the individual involved, and the name and address of any witness. The TSM or STSO writing the summary must attempt to obtain any supplemental reports, such as police reports regarding the incident, and attach them to the summary.

4.3.1. ARMED OR UNARMED LEOs ENTERING THE STERILE AREA

- A. An armed LEO or an **unarmed LEO accompanied by a working canine**, in or out of uniform, who desire passage beyond the screening checkpoint without screening of his or her person and accessible property must be discreetly referred to an airport assigned LEO (if available), an STSO, or a designated TSA representative for screening in accordance with the following procedures:
 - 1) An **on-duty** airport-assigned LEO, displaying a local distinctive airport ID may be cleared into the sterile area by a TSO without undergoing screening.
 - 2) An armed LEO may be cleared into the sterile area after inspection of his or her badge, credential, and U.S. Government-issued photo ID, and if flying, his or her **boarding pass and Notice of LEO Flying Armed Document**. For the purpose of this SOP, an LEO is considered armed when he or she is carrying a firearm or other item found on the TSA Prohibited Items List.
 - 3) **An unarmed LEO, accompanied by a working canine, may be cleared into the sterile area after inspection of his or her badge, credential, and Government-issued photo ID, and if flying, his or her boarding pass.**
- B. **During inspection of the LEO documents, an airport-assigned LEO, STSO, or a designated TSA representative must ensure:**
 - 1) The name, flight, and date specified on an armed LEOs boarding pass and Notice of LEO Flying Armed document match.
 - 2) If the armed LEO is flying and does not present a Notice of LEO Flying Armed document, the LEO must be denied entry into the sterile area unless undergoing screening.
 - 3) If any of the documents do not appear to be valid, deny the individual access to the sterile area and contact an airport assigned LEO.
 - 4) If the boarding pass of an armed LEO or an **unarmed LEO with a working canine** is designated as a selectee, exempt that individual from selectee screening and apply distinctive markings to the individual's boarding pass to indicate that the individual is exempt from selectee screening.

4.3.2. UNARMED CANINE HANDLER ACCOMPANIED BY A WORKING CANINE

Unarmed, credentialed TSA employees or other airport-assigned security personnel accompanied by a TSA-certified working canine may be cleared into the sterile area using the following specialized screening procedures:

- A. **An airport-assigned LEO (if available) or an STSO clears the individual after inspecting the TSA employee's credential or an FSD-approved credential of a non-TSA employee along with a Government-issued photo ID and if flying, the individual's boarding pass.**
- B. **The individual fills out and signs the applicable sections of the Screening Checkpoint Sign-in/LEO Log.**

4.3.3. ARMED U.S. GOVERNMENT EMPLOYEES

Armed, non-LEO BEP, NSA, or CIA POD employees may be cleared into the sterile area using the following specialized screening procedures:

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- A. **An airport assigned LEO (if available), STSO, or designated TSA representative clears the individual after inspecting his or her badge, credential, and Government-issued photo ID, and if flying, his or her boarding pass and Notice of LEO Flying Armed Document.**
- B. **The BEP, NSA, or CIA POD employee fills out and signs the applicable sections of the Screening Checkpoint Sign-in/LEO Log.**

4.3.4. PRISONERS UNDER ESCORT

Prisoners, deserters, detainees, or deportees under escort or control of an armed LEO **who is accompanying the individual on a flight are not required to undergo further screening at the checkpoint. Prisoners, deserters, detainees, or deportees under escort or control of an armed LEO who is not flying are required to undergo standard screening.** An airport-assigned LEO (if available), STSO, or designated TSA representative may clear an accompanying LEO after inspecting the credential, badge, Government-issued photo ID **and Notice of LEO flying armed document.**

4.3.5. INDIVIDUALS UNDER PROTECTIVE ESCORT

Certain individuals and their accessible property **under protective escort are eligible for specialized screening. After the airport-assigned LEO, STSO, or designated TSA representative has verified the protective escort's badge, credential, and Government-issued photo ID,** the armed protective escort must verify the identity of the protected individual to the airport assigned LEO, STSO, or designated TSA representative and sign the logbook with both his or her information and the identity of the protected individual(s). The armed protective escort need not actually be flying with the protected individual(s). The following individuals (as verified by the armed protective escort) and their accessible property are eligible for specialized screening:

- A. All individuals, accompanying immediate family members, and up to two accompanying staff members who are under the armed protective escort of a Federal **LEO** to include branches of the United States Armed Forces. The Federal armed protective escort must present a valid Federal badge, credential, a second Government-issued photo ID, and a Notice of LEO Flying Armed document (if flying).
- B. U.S. State and Territorial governors and lieutenant governors, the Mayor of the District of Columbia, accompanying immediate family members, and two accompanying staff members when under armed protective escort of a non-Federal **LEO**. The armed protective escort must present valid LEO identification (badge, credential, Government-issued photo ID, and Notice of LEO Flying Armed document (if flying)).
- C. Spouses of U.S. State and Territorial governors and lieutenant governors, the Mayor of the District of Columbia, accompanying immediate family members, and two staff members, when under armed protective escort of a non-Federal **LEO**. The armed protective escort must present valid LEO identification (badge, credential, Government-issued photo ID, and Notice of LEO Flying Armed document (if flying)).

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4.3.6. FEDERAL FLIGHT DECK OFFICERS

- A. An airport-assigned LEO (if available), STSO, or designated TSA representative must inspect the credentials and aircraft operator photo ID of an armed FFDO in order to clear the FFDO through the screening checkpoint. **An FFDO in possession of an FFDO firearm must be permitted to pass beyond the screening checkpoint without inspection of his or her person and accessible property upon presentation of bona fide credentials and aircraft operator photo ID. FFDOs are required to show only their credentials and aircraft operator ID.**
 - 1) When an FFDO is not in possession of a TSA issued firearm, he or she must undergo screening in accordance with the Screening Checkpoint SOP.
 - 2) The airport-assigned LEO, STSO, or designated TSA representative must not request that the FFDO remove his or her firearm from its container or bag. If the FFDO does not present a container or bag that could hold a firearm, the FFDO must be screened. When an FFDO attempts to avoid screening and is not in possession of an FFDO firearm, an STSO or other member of TSA management staff must immediately notify the TSOC at 866-655-7023.
- B. If the STSO or designated TSA representative determines that either the TSA credential or the aircraft operator's ID does not appear to be valid, the STSO or designated TSA representative must deny the individual entrance to the sterile area and contact an airport-assigned LEO and the appropriate aircraft operator.
- C. Each FFDO entering the sterile area must complete the applicable sections of the logbook.

4.3.7. FEDERAL AIR MARSHALS

- A. An airport-assigned LEO (if available), STSO, or designated TSA representative must inspect the credential, badge, and Government-issued photo ID of a FAM in order to clear the FAM through the screening checkpoint. (See Attachment 4-4 of this section for a sample of a FAM badge and credential.)
- B. FAMs must be permitted to pass beyond the screening checkpoint without inspection of their person and accessible property upon presentation of bona fide credential, badge, and Government-issued photo ID. The logbook entry requirement does not apply to FAMs.
- C. On occasion, FAMs may be accompanied by **FAM Team Augmentees**. The same FAM screening procedures must be applied to these FAM team augmentees provided the cleared FAM verbally confirms the individual as a FAM team augmentee and the augmentee provides a valid badge, credential, and Government-issued photo ID. The logbook entry requirement does not apply to FAM team augmentees accompanied by a FAM.
- D. If the STSO or designated TSA representative determines that either the FAM or FAM team augmentee credential or Government-issued photo ID does not appear to be valid, the STSO or designated TSA representative must deny the individual entrance to the sterile area and contact an airport-assigned LEO. To assist in resolving credential or identification discrepancies, TSA management and/or an airport-assigned LEO must call the 24-hour FAM Mission Operations Center at 703-563-3566.

4.3.8. EMERGENCY PERSONNEL

- A. If emergency personnel (for example, law enforcement, fire, medical) approach a TSO, the TSO must notify the STSO. The STSO must permit emergency personnel responding to an emergency and their equipment into the sterile area without screening. Emergency personnel must be accompanied into the sterile area by a sufficient number of escorts to preclude the transfer of a weapon between emergency personnel and other individuals in the sterile area. The escorts may be representatives of the airport or aircraft operator or individuals who are authorized unescorted access to the airport's secured areas.

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- B. In support of incidents of national significance, emergency response personnel (for example, Federal Emergency Management Agency (FEMA) employees, Disaster Medical Assistance personnel, search and rescue teams) may be traveling on short notice. These personnel will possess valid identification as response personnel, U.S. Government travel orders, and a boarding pass. When the STSO is made aware of the presence of emergency response personnel, he or she must expedite processing of these individuals, to include screening them ahead of non-emergency personnel if necessary to meet deployment timelines.

4.3.9. ARMED SECURITY GUARDS (NON-LEO) ENTERING THE STERILE AREA

An airport-assigned LEO (if available), an STSO, or designated TSA representative must inspect the company credentials and Government-issued photo ID of an armed security guard in order to clear the armed security guard through the screening checkpoint. Armed security guards must be permitted to pass beyond the screening checkpoint without inspection of his or her person and accessible property upon presentation of bona fide credentials and Government-issued photo ID.

- A. The armed security guard must be under continuous airport-assigned LEO escort from the time the security guard enters the sterile area until he or she is released back into the public area.
- B. The armed security guard must be on-duty, in uniform, and performing duties in support of the airport operator or a tenant.
- C. If the designated STSO or TSA representative determines that either the security guard credential or Government-issued photo ID does not appear to be valid, the TSA representative must deny the individual entry to the sterile area and contact an airport-assigned LEO.
- D. Each armed security guard entering the sterile area must **make an entry in the applicable sections of the screening checkpoint logbook.**

4.3.10. SCREENING U.S. GOVERNMENT CLASSIFIED MATERIAL

The following procedures exempt U.S. Government classified material from screening checkpoint inspection:

- A. Upon arrival at the screening checkpoint, the courier carrying U.S. Government classified material must present to an STSO:
 - 1) An agency or company identification media
 - 2) A Government-issued photo ID
 - 3) A courier letter, card, or form stating his or her authorization
- B. The STSO must verify that the courier's letter, card, or form includes each of the following:
 - 1) The full name of the courier and his or her employing agency or company
 - 2) A date of issue and an expiration date
 - 3) The name, signature, and telephone number of the official issuing the letter, card, or form
 - 4) The name and telephone number of the official designated to confirm the letter, card, or form
- C. Once the STSO has verified the courier's authorization to carry classified material, the STSO must do each of the following:
 - 1) Exempt only the U.S. Government classified material from any form of inspection. The courier and all other personal accessible property must be screened in accordance with the Screening Checkpoint SOP.
 - 2) The U.S. Government classified material must remain within the courier's line of sight at all times during the screening process.
- D. If an individual claims to have U.S. Government classified material, but does not present a valid courier letter, card, or form, an agency or company identification media, and Government-issued photo ID, the material may not be permitted into the sterile area unless it has been properly screened.

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4.3.11. SCREENING COURTESIES FOR FOREIGN DIGNITARIES

All FSDs must designate a POC on their staff to coordinate the screening of foreign dignitaries traveling through their airport. FSDs must ensure that the POC's name and contact information are provided to all aircraft operators at all airports under the FSD's authority and to TSA's Dignitary Facilitation Liaison Officer at the DOS. TSA extends screening courtesies to two categories of dignitaries: those sponsored by the DOS and those participating in the WOMAP, a program authorized by the Director of National Intelligence.

- A. When under escort as described in this Section, the following individuals are exempt from screening of their person and accessible property at the screening checkpoint and boarding gate (if applicable):
 - 1) Foreign dignitaries equivalent to cabinet rank and above, accompanying spouse, their children under the age of 12, and their DOS escort. Other members of the foreign dignitary's entourage are not exempt from screening.
 - 2) Foreign dignitaries who are approved in advance by TSA's Office of Intelligence and under escort by authorized CIA representatives as part of WOMAP, and their CIA escorts.
- B. DOS and WOMAP escorts are responsible for coordinating with local TSA management in advance of the foreign dignitary's arrival at an airport in accordance with the procedures set forth in Subsections 4.3.11.F. and 4.3.11.G. of this SOP.
- C. Foreign dignitaries under armed protective escort of a U.S. Government agency are exempt from screening of their person and accessible property at the screening checkpoint in accordance with the LEO screening procedures in Section 4.3.5. of this SOP.
- D. Foreign dignitaries who do not have DOS or CIA WOMAP approval to be exempt from screening at the screening checkpoint must undergo screening per the Screening Checkpoint SOP. However, screening personnel must make every effort to afford expedited and private screening for foreign dignitaries and their accompanying entourage.
- E. When an individual presents him or herself to be an unescorted foreign dignitary at a screening checkpoint and indicates that he or she has DOS or CIA WOMAP approval to be exempt from screening, the TSO must notify the STSO. The STSO must then notify local TSA management.
 - 1) If local TSA management has not received DOS or CIA WOMAP approval, the individual, accompanying spouse, and any accompanying children under the age of 12 must undergo screening of his or her person and accessible property per this SOP.
 - 2) If local TSA management has received DOS or CIA WOMAP approval for the individual, but the DOS or CIA WOMAP escort assigned to the dignitary is not present, the foreign dignitary, accompanying spouse, and their children under the age of 12 must undergo screening of his or her person and accessible property per the Screening Checkpoint SOP unless the assigned escort can be reached and arrangements made for the escort to arrive in time for the foreign dignitary to make his or her scheduled flight.
- F. The following specific procedures must be applied to the screening of foreign dignitaries sponsored by the DOS:
 - 1) Joint TSA-DOS approval for exempting a foreign dignitary, accompanying spouse, and their children under the age of 12 from inspection at a screening checkpoint must be forwarded by TSA's Dignitary Facilitation Liaison Officer at the DOS to local TSA management at individual airports.
 - 2) Usually, DOS will provide an Approval for Escort Screening Courtesies Form (see Attachment 4-3). In those instances where TSA does not receive advance, written notice of a foreign dignitary's arrival at an airport during normal business hours, TSA permits foreign dignitaries under DOS escort to be approved verbally by TSA's Dignitary Facilitation Liaison Officer at the DOS. If outside normal business hours, the TSOC will provide verbal approval after confirming the status of the dignitary with the DOS Office of Foreign Missions Duty Officer (OFMDO).

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- 3) When a foreign dignitary, accompanying spouse, and their children under the age of 12 arrive under unarmed DOS escort at a screening checkpoint, TSA management or the STSO must:
 - a. Verify that the foreign dignitary, accompanying spouse, and their children under the age of 12 are under escort of a DOS employee carrying a valid DOS ID and a government-issued ID (for example, a driver's license or state-issued identification card).
 - b. Verify that the DOS has approved the foreign dignitary to bypass inspection only when under escort by examining and validating the Approval for Escort Screening Courtesies Form.
 - c. Require each DOS employee escorting an approved foreign dignitary into the sterile area to make an entry in the **applicable sections of the** screening checkpoint logbook.
- 4) There may be cases where the DOS is unable to provide an assigned escort at an airport. In these instances and only at the request of the DOS Office of Foreign Missions, a representative of the airport's TSA management staff must escort the approved foreign dignitary, accompanying spouse, their children under the age of 12, and their accessible property through the screening checkpoint in order to bypass screening.
 - a. The Dignitary Facilitation Liaison Officer at the DOS (during normal business hours) or the TSOC (in coordination with the OFMDO during non-duty hours) must notify the appropriate FSD in advance of the foreign dignitary's arrival at the airport.
 - b. The FSD must designate a TSA representative to escort the approved foreign dignitary, accompanying spouse, their children under the age of 12, and their accessible property through the screening checkpoint.
 - c. The designated TSA representative must review the foreign dignitary's diplomatic passport in order to verify the identity of the foreign dignitary.
 - d. The designated TSA representative escorting an approved foreign dignitary into the sterile area is not required to complete a screening checkpoint logbook entry. TSA management must document the screening exemption using a locally developed special incident report form that includes the Approval for Escort Screening Courtesies Form as an attachment.
- 5) If proper verification or notification is not possible or completed, the dignitary, spouse, and children under the age of 12 must complete the screening process. Screening personnel must make every effort to afford expedited and private screening for the foreign dignitaries and their accompanying entourage.

G. The following specific procedures must be applied to the screening of foreign dignitaries under CIA escort as part of the CIA's WOMAP:

- 1) CIA WOMAP must email the following information to the TSA Office of Intelligence at TSA-OI_WATCH@tsa.ic.gov:
 - a. The "Subject" line must include "WOMAP Approval for Screening Courtesies" and all airport identifiers on the dignitary's itinerary (or multiple itineraries if applicable).
 - b. WOMAP Escort Officer name
 - c. WOMAP Escort Officer cell phone number
 - d. Event date
 - e. Event time
 - f. Event number
 - g. Name, date of birth, and place of birth of each exempted dignitary
 - h. Name and contact information of WOMAP Event Coordinator

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- i. Title or position of dignitary and additional information as required. The title or position of the dignitary and any additional information may be provided at the classified level, but must include the For Official Use Only (FOUO) information in a. through h. above to facilitate forwarding to the TSOC and respective FSDs. The title or position of the dignitary will be used by the Office of Intelligence to determine eligibility for screening courtesies, but will not be forwarded to the TSOC and respective FSDs.
- 2) The TSA Office of Intelligence must acknowledge receipt and forward the FOUO portion of the WOMAP Approval for Screening Courtesies email notification to the Command Duty Officer (CDO) at the TSOC and to the Duty Assistant to the Special Agent-in-Charge (ATSAC) at the FAMS Mission Operations Center (MOC).
- 3) TSA and CIA WOMAP approval for exempting a foreign dignitary from inspection at a screening checkpoint must be forwarded via email by the TSOC to local TSA management at individual airports (with a copy to the TSA Office of Intelligence, the FAM MOC, and the Dignitary Facilitation Liaison Officer at the DOS).
- 4) In instances in which TSA receives less than 24 hours advance notification of a foreign dignitary's arrival at an airport, TSA permits foreign dignitaries under CIA WOMAP escort to be approved verbally or by pager notification to the FSD by the TSOC CDO following notification from the TSA Office of Intelligence. WOMAP requesting officials must contact the TSA Intelligence Watch using one of the following telephone numbers: 703-601-3200 (non-secure) or 703-601-3237 (STE secure) or 703-601-3287 (STE secure fax) and provide the information in 1) above.
- 5) When a foreign dignitary arrives under unarmed CIA WOMAP escort at a screening checkpoint, TSA management or the STSO must:
 - a. Verify that the foreign dignitary is under escort of a CIA WOMAP officer carrying a valid CIA credential (see Attachment 4-5 for sample) and a Government-issued ID (for example, a driver's license or state-issued identification card).
 - b. Verify that CIA WOMAP has approved the foreign dignitary to bypass inspection by examining and validating the WOMAP Approval for Screening Courtesies email approval notification. Verify dates of travel and departure locations on the email approval.
 - c. Record the incident using a locally developed special incident report and attach the WOMAP Approval for Screening Courtesies email. CIA WOMAP agents escorting approved foreign dignitaries into the sterile area are not required to complete a screening checkpoint logbook entry.

4.3.12. AIRCRAFT OPERATOR FLIGHT CREW

- A. Aircraft operator flight crewmembers in uniform, with valid aircraft operator employee identification, are exempt from the Unpredictable Screening Process and restrictions involving liquids, gels, aerosols, and footwear. **Aircraft operator flight crewmembers in uniform, designated as selectees, are not exempt from the requirements regarding liquids, gels, aerosols, or footwear.** Any alarm of the aircraft operator flight crewmember's person or accessible property must be **cleared**.
- B. If, during the course of screening duties, TSOs observe an aircraft crewmember whose appearance, behavior, speech, or body odor raises suspicion that the crewmember may have been drinking or is under the influence of alcohol, the STSO must:
 - 1) Not attempt to detain or physically restrain the crewmember.
 - 2) Attempt to note the crewmember's name and employing aircraft operator. In most instances, the crewmember will be wearing company or airport identification.
 - 3) Immediately report the suspect crewmember to an LEO and the respective aircraft operator.

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- 4) Notify the FSD or his or her designee. When it is known that the crewmember underwent an alcohol test or was arrested by an LEO, the FSD or his or her designee must notify the nearest FAA Regional Operations Center.

4.3.13. TSA PERSONNEL

- A. TSOs who enter the sterile area through the screening checkpoint must undergo screening at the beginning of their shift. TSOs who exit the screening checkpoint to perform work within the scope of their screening duties (such as assisting with passengers or collecting divest bins) need not be rescreened upon reentering the screening checkpoint. **Where the FSD has waived TSO rescreening**, TSOs who leave the screening checkpoint area and are completely out of sight for rest breaks, lunch, etc. need not be rescreened upon returning to the screening checkpoint after presenting their TSA employee ID or local airport ID for review by a TSO or designated TSA representative. However, where the FSD has elected to waive TSO rescreening, the FSD must implement random screening of TSOs returning from breaks.
- B. FSDs may exempt themselves, DFSDs, AFSDs/DAFSDs for Screening, training coordinators, training specialists, scheduling operations officers, TSMs, Stakeholder **Managers/Liaisons**, STSOs, and LTSOs from screening, while on duty, after presenting their TSA employee ID or local airport ID for review by a TSO or TSA representative designated by the FSD. On duty includes meals and rest breaks.
- C. The following credentialed TSA employees on official business at an airport with a valid TSA credential (and badge, if issued) are exempt from screening while performing official duties at that airport after presenting the credential (and badge) for review by a **TSO**. TSA credentialed employees are NOT exempt from screening when boarding an aircraft as part of official duty travel. These TSA credentialed employees are not permitted to escort individuals around or through the screening checkpoint to bypass screening unless otherwise permitted by this SOP.
 - 1) TSA Inspector (credential only)
 - 2) TSA Executive (credential only)
 - 3) TSA Critical Personnel (credential only)
 - 4) TSA Transportation Security Specialist (credential only)
 - 5) Federal Security Director (credential and badge)
 - 6) Deputy Federal Security Director (credential and badge)
 - 7) Assistant Federal Security Director for Law Enforcement (credential and badge)
 - 8) Assistant Federal Security Director for Inspections (credential and badge)
 - 9) Other Assistant Federal Security Directors (credential only)
 - 10) TSA Office of Inspection Special Agent (credential and badge)
 - 11) TSA Office of Inspection Inspector (credential and badge)
 - 12) TSA Explosives Security Specialist (credential only)
 - 13) Bomb Appraisal Officer (credential only)
 - 14) Attorney Advisor (credential only)
 - 15) TSA Investigator (credential only)
 - 16) **TSA Field Intelligence Officer (credential and badge)**

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4.3.14. OPPOSITE GENDER SCREENING

Extraordinary circumstances may occur where a TSO of the same gender as the individual being screened (**the gender of an individual is determined by who he or she presents themselves to be**) is not available to complete HHMD and/or pat-down screening procedures (for example, **staffing shortage emergencies at any airport or limited staffing at Category II, III, and IV airports**). Under these staffing shortage emergencies, screening procedures for individuals of the opposite gender, as provided for in this Section, are authorized and STSOs must apply the following procedures.

- A. The following notifications must be made within 24 hours of each new staffing shortage event:
 - 1) The STSO must notify the FSD, specifying the anticipated duration of the staffing shortage. The STSO must provide subsequent updates to the FSD if the reported duration is exceeded.
 - 2) The STSO must maintain a count of the number of passengers affected during the staffing shortage and report these numbers to the FSD after the shortage is resolved. No personal or identifying information must be taken from the passenger for purposes of this report. For example, “three female passengers underwent opposite gender screening at Airport X” is an adequate count; however, including the names of the three female passengers in the count would be inappropriate.
 - 3) The FSD must in turn notify the Area Director, who must monitor such reports and consider how the patterns of staffing shortages, if any, can be addressed. The Area Director or his or her designee must notify the Office of Civil Rights of the staffing shortage and provide a copy of the report indicating the number of passengers subjected to opposite gender screening at each affected airport.
- B. The STSO must ensure that the following notice is provided to an individual of the opposite gender before the individual enters the WTMD:
 - 1) A TSO of the same gender as the individual presents him or herself to be is not available.
 - 2) A TSO of the opposite gender will be required to complete the screening process, which may include physical contact between the TSO and the individual.
 - 3) **An LTSO or STSO, if possible, will be present.**
 - 4) Once the individual enters the WTMD, the individual must complete the screening process.

4.3.15. SELECTEE SCREENING

Depending on the screening checkpoint configuration, the aircraft operator may be responsible for referring all selectee passengers to the appropriate queuing area or screening location as designated by TSA. In other screening checkpoint configurations, TSA checks the boarding pass to determine whether or not an individual is designated a selectee. Except as provided in Section 4.3.1, any individual designated a selectee who has not undergone selectee screening must not be allowed to enter the sterile area.

- A. Selectee screening performed at the screening checkpoint must be conducted in one of the following configurations:
 - 1) **Limited-integrated selectee screening** – One or more (but not all) screening lanes at a screening checkpoint are screening both selectee and non-selectee individuals. The TDC will direct selectees to the appropriate lanes. WTMD TSOs must conduct the boarding pass checks required in the Screening Checkpoint SOP only at the checkpoint lanes performing selectee screening.
 - 2) **Fully-integrated selectee screening** – Every screening lane at a screening checkpoint is screening both selectee and non-selectee individuals. WTMD TSOs must conduct the boarding pass checks required in the Screening Checkpoint SOP at all checkpoint lanes.
 - 3) **Dedicated lane selectee screening** – One or more screening lanes at a screening checkpoint are screening selectee individuals only. The TDC will direct selectees to the appropriate lanes. WTMD TSOs are not required to conduct the screening checkpoint boarding pass checks at all checkpoint lanes.

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- B. STSOs must ensure that the following individuals who are designated as selectees and their accessible property are screened as non-selectee passengers and apply the distinctive marking to the individual's boarding pass:

- 1) Any individual exempted by the FSD from selectee screening at the checkpoint. Any such exemption must not be based on the selectee's apparent race, color, religion, nationality, gender, or disability. This authority must not be delegated.
- 2) Minors who appear to be under 12 years of age. However, when a minor, who appears to be under 12 years of age is accompanied by a selectee passenger **and regardless of whether the minor was originally designated as a selectee or not**, both the minor and the minor's accessible property must undergo the selectee screening described in Chapter 2 step 1.4. of the Screening Checkpoint SOP
- 3) FEMA employees traveling in support of FEMA emergency operations who present FEMA-issued identification bearing the FEMA agency official seal and have in their possession duty orders issued by FEMA.
- 4) U.S. military members traveling in uniform who present a U.S. Government-issued military ID card.
- 5) Members of the U.S. Senate or U.S. House of Representatives who present one of the forms of Congressional identification depicted in Attachment 4-6 AND one other form of Government-issued photo ID.
- 6) **An individual who presents a valid U.S. diplomatic passport.**
- 7) **A passenger who presents a valid diplomatic passport from a foreign country AND presents a valid blue-bordered ID card issued by the U.S. Department of State (DOS), certifying that the individual is accredited to the United States or to the United Nations mission of that country.**
- 8) Selectees in the following categories who, upon request of the STSO, are cleared by a SPOT-certified Behavior Detection Officer after that officer's individualized observation of the selectee:
 - a. Forest firefighters employed by a U.S. Government agency who present a valid U.S. Government ID card and U.S. Government orders deploying them for firefighting operations
 - b. Federal Aviation Administration (FAA) Aviation Safety Inspectors on official business who present a valid FAA credential
 - c. Employees of U.S. aircraft operators who present a valid aircraft operator employee ID
 - d. An unarmed LEO escorting a prisoner who presents a valid credential from his or her agency
 - e. Prisoners traveling under armed or unarmed LEO escort
 - f. U.S. State and Territorial Governors who present a valid government-issued photo ID
 - g. Emergency response personnel activated by FEMA or DHS in response to an incident who present a valid identification as response personnel and U.S. Federal government travel orders

4.3.16. INDIVIDUALS SEEKING EXEMPTION FROM SELECTEE STATUS

- A. If an individual disputes his or her status as a selectee prior to the start of the screening process, the TSO must notify the STSO who must take one of the following actions:
- 1) Require the individual to return to the aircraft operator to **confirm** the selectee markings ("SSSS") OR
 - 2) Screen the individual as a selectee passenger and apply the distinctive marking to the individual's boarding pass.

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- B. Any selectee who has already begun the screening process by walking through the WTMD (or an ETP if it is placed ahead of the WTMD at ETP-equipped checkpoints) or submitting their accessible property for screening does not have the option to return to the aircraft operator ticket counter. Complete the entire selectee screening process for these individuals. If the individual refuses to complete screening, follow the procedures in Sections 2.11. and/or 2.12. of this SOP.

4.3.17. GATE SCREENING OF SELECTEES

TSA does not conduct routine boarding gate screening of selectees. However, under extraordinary circumstances (for example, a selectee's boarding pass was not annotated with a distinctive marking), the FSD may choose to dispatch TSOs to an airport boarding gate to conduct selectee screening of the individual and his or her accessible property.

- A. Selectee screening of an individual at the boarding gate:
 - 1) TSOs must conduct an **HHMD SEARCH** and a **BULK ITEM PAT-DOWN** of the selectee.
 - 2) If a TSO discovers a possible or actual prohibited item, follow the procedures in Chapter 2 of the Screening Checkpoint SOP.
- B. Screening of Selectee's accessible property at the boarding gate:
 - 1) Accessible property belonging to a selectee must undergo a **PHYSICAL SEARCH**.
 - 2) If a TSO discovers a possible or actual prohibited item, follow the procedures in Chapter 3 of the Screening Checkpoint SOP.

4.3.18. SCIENTIFIC AND OTHER SPECIALIZED EQUIPMENT

On occasion, U.S. Government agencies transport sensitive or highly specialized equipment that cannot be subjected to standard screening procedures without damaging the item (for example, x-ray inspection) or that may be an item required in the performance of official duties that is otherwise prohibited (for example, certain tools that must be available immediately upon arrival). FSDs are authorized to exempt such items carried by U.S. Government officials and U.S. Government contractors from screening on a case-by-case basis under the following conditions:

- A. **TSA Explosives Security Specialists (ESS) and BAOs are required to transport training aids and other items necessary in the performance of their official duties. These items are exempt from screening after the STSO has verified the individual's TSA credentials and another form of Government-issued photo ID. The individual and the rest of the individual's accessible property must undergo screening.**
- B. The U.S. Government agency submits a request in writing to the FSD, specifying the item to be exempted, purpose of the item, rationale for the screening exemption, name of the U.S. Government official that will be transporting the item, a copy or image of the transporting official's government agency photo ID, and the transporting official's full travel itinerary. The written request must be made on agency letterhead and signed by an appropriate authorizing official from the U.S. Government agency.
- C. The FSD provides written approval of the request. Prior to approval, the FSD is authorized to contact the actual authorizing official from the U.S. Government agency. The FSD approval letter must provide instructions to the U.S. Government agency regarding travel day contact and documentation requirements.
- D. On the date of travel, the transporting U.S. Government official must present for inspection to the FSD or his or her designated representative, all of the following:
 - 1) The item to be exempted
 - 2) A copy of the original agency request
 - 3) A copy of the FSD approval letter
 - 4) Two forms of government-issued photo ID, one of which must be the same ID provided in the agency's original written request
 - 5) The transporting official's boarding pass

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- E. Upon verification of the documents, the FSD or his or her designated representative must escort the transporting official to the screening checkpoint and notify the STSO. If the item to be exempted or any of the documents appear suspect, contact an LEO and deny the transporting official entrance into the sterile area until resolution of the issue.
- F. The STSO must exempt the requested item from screening and annotate the exemption using a locally developed special incident report form.
- G. The transporting official and the remainder of his or her accessible property must still undergo screening. To the extent possible, the exempted item must remain visible to the transporting official during his or her screening.
- H. Prior to the transporting official's initial flight segment, the FSD or his or her designated representative must provide a summary of the exemption action and approval notification to the TSOC at 866-655-7023 and all other FSDs along the route of the transporting official's itinerary.

4.3.19. EXERCISE OF FSD DISCRETION

Situations may arise which merit a temporary, short-term deviation from established security procedures. Where an articulable risk-based assessment supports a temporary deviation from such procedures, an FSD only (or the Acting FSD) has the authority to proceed as good judgment warrants.

- A. An FSD (or Acting FSD) must be prepared to provide a well-reasoned justification for any deviation. For instance, where the presence at the checkpoint of an elected official or other trustworthy person of notoriety has the potential of creating a distraction that might lessen security, escort of the passenger and accompanying family members directly into the sterile area might be justified.
- B. An FSD (or Acting FSD) should not exercise the discretion to deviate from established procedures where any doubt exists that aviation safety or national security might be compromised. Where such doubt exists, prior approval of the Area Director should be obtained.

4.4. UNPREDICTABLE SCREENING PROCESS (USP)

A key component in TSA's strategy to combat terrorism directed at our nation's transportation systems is to incorporate variability in our security operations to keep terrorists from predicting security procedures at any given point and time. This section provides a list of standardized screening procedures that are to be implemented on a rotating basis and with unpredictable execution. TSA management and STSOs are responsible for implementing the unpredictable screening of individuals and property as set forth in this section.

4.4.1. SCHEDULING USP

- A. Development of Schedules
 - 1) TSA HQ will provide to the FSD a mechanism to use to produce an automated unpredictable screening schedule.
 - 2) FSDs will direct USP schedules be produced by a member of the management staff, to include STSOs. A unique schedule must be produced for every checkpoint and every shift.
 - 3) Once a schedule is produced for a shift, it must be executed. The FSD staff must not review the searches scheduled to determine that for any reason they would rather produce a new schedule.
 - 4) General information on the schedules may be adjusted to meet local needs; however, the formula for producing the actual scheduled searches must not be adjusted.
- B. Schedule Execution
 - 1) USP must be continuously active for each checkpoint using a schedule(s) that covers all active lanes. Irrespective of published schedules, FSDs are authorized to adjust (reduce or enlarge) lane coverage to meet current operational requirements. Do not conduct USP at ETP equipped lanes.

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- 2) The schedule to be executed must be produced and made available to the screening checkpoint STSO no sooner than 24 hours prior to the shift of execution.
- 3) TSOs at checkpoints configured to three or more x-ray screening lanes must be assigned full-time USP duties at a minimum ratio of one TSO per two active checkpoint lanes. The FSD may decide if the unpredictable search TSOs are fixed positions within the rotation of the checkpoint lane(s), or a "team" that executes the schedules independent from the other TSOs.
- 4) When an odd number of screening lanes are in use, an additional TSO must be assigned to conduct USP to accommodate the extra lane(s) (for example, 3 lanes = 2 USP TSOs).
- 5) If a TSO assigned to conduct USP is relieved for any reason (for example, breaks), the STSO must immediately replace him or her with another TSO to ensure that there is no interruption in the schedule execution. When staffing levels permit, STSOs are encouraged to assign more than the minimum required number of TSOs to conduct USP.
- 6) At checkpoints configured to one or two x-ray screening lanes, the USP schedule must be carried out on a continuous basis by the TSOs that are assigned to additional search functions (for example, property search and HHMD TSOs). If at any time at least one search of an individual or property is not being conducted, an additional search TSO must conduct a USP search.
- 7) STSOs must assign TSOs of each gender to carry out USP. Gender rotation of TSOs allows passengers of either gender to be selected for USP searches.
- 8) At the end of the work shift, the STSO must attach the executed schedule to the shift report.

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4.4.2. TYPES OF USP SEARCHES

Listed below are the standard search types that must be used when scheduling and executing USP searches pursuant to this Section:

- A. Individuals
 - 1) Bulk Item Pat-down
 - 2) **LIMITED PAT-DOWN of the stomach area**
 - 3) **LIMITED PAT-DOWN of the back**
 - 4) **LIMITED PAT-DOWN of both legs**
 - 5) **ETD of the hands**
- B. Property
 - 1) **CLOSED BAG SEARCH**
 - 2) **INTERIOR ETD SEARCH**
 - 3) ETD search of a divested electronic/electrical item
 - 4) ETD sampling of divested footwear (profiled or non-profiled)
 - 5) ETD sampling of plastic bags containing travel-size liquids, gels, and aerosols

4.5. ALTERNATIVE SCREENING PROCEDURES FOR CHECKED BAGGAGE

The FSD or designee (this authority cannot be delegated below the level of AFSD for Screening) may authorize the use of alternative checked baggage screening procedures as outlined below. The FSD's decision to implement alternative screening procedures for checked baggage places direct responsibility for deviations from the standard checked baggage screening procedures on the FSD.

- A. FSDs must inform aircraft operators that alternative screening procedures are in place for special circumstances. FSDs must not communicate specific screening procedures to aircraft operators except for Positive Passenger Bag Match (PPBM).
- B. Alternative screening procedures are limited to those described in the Checked Baggage Screening SOP, Section 2.3. FSDs may not supplement this list nor alter the procedures described in the Checked Baggage Screening SOP without TSA HQ approval.
- C. Alternative screening procedures must not exceed two hours. Use of alternative procedures must be stopped when the circumstances for alternative screening cease to impact operations.
- D. FSDs must document alternative screening procedures by reporting implementation and cessation of alternative screening procedures in Performance Management and Information System (PMIS).
- E. Prior approval of the TSA Assistant Administrator for Security Operations is required whenever any of the alternative screening procedures, excluding PPBM, will be in effect for more than two hours and anytime PPBM is to be implemented as an alternative screening procedure regardless of the duration.

4.5.1. CIRCUMSTANCES FOR CHECKED BAGGAGE ALTERNATIVE SCREENING

Alternative screening procedures must only be applied for non-selectee passenger checked baggage limited to the following circumstances:

- A. The FSD determines there is a security risk associated with large concentrations of passengers in an area which poses a security target.
- B. The FSD determines there is a security risk associated with large volumes of baggage awaiting screening in a confined baggage screening area which poses a potential explosive or other security target.

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- C. Primary screening equipment (EDS; ETD for 40/40/20 airports) becomes inoperable.
- D. **FSDs must develop and implement action plans that include alternative screening methods. Action plans must define when alternative screening methods are to be initiated and the circumstances under which they must cease so as to ensure temporary procedures do not become permanent.**

4.6. DECLARATION AND TRANSPORT OF FIREARMS IN CHECKED BAGGAGE

- A. All passengers must declare to the aircraft operator when they are transporting an unloaded firearm. If the passenger attempts to declare the firearm at the screening checkpoint, the STSO must refer them to the appropriate aircraft operator to properly declare the firearm. Firearms may only be transported in checked baggage.
- B. Unloaded firearms may be transported:
 - 1) In their own hard-sided locked container and checked as a separate bag
 - 2) In a small, hard-sided, locked container placed in a larger checked bag containing other items
 - 3) Packed inside a hard-sided, locked checked bag
- C. TSA management, in coordination with local law enforcement and aircraft operators, must develop local procedures to facilitate the verification of firearms declared in gun cases not packed in checked baggage (such as a hard-sided rifle case). One of the following requirements must be met:
 - 1) The passenger must facilitate the opening of the lock(s) and be present for the verification of the TSO.
 - 2) The aircraft operator may provide positive verification that a firearms declaration form has been accurately completed for the current flight and date, and is packed inside the gun case.
- D. For government-owned weapons transported by U.S. military personnel traveling as part of a unit deployment or other group movement, the following clearing procedures must be followed:
 - 1) The military unit must declare the weapons and ammunition to the aircraft operator in accordance with 49 CFR 1540.111. Weapons must be unloaded and collectively secured in a crate and banded or individually locked in a hard-sided case. Ammunition must be securely packaged according to the requirements in 49 CFR 175.10(a)(8) and declared in accordance with 18 USC 922(e).
 - 2) A unit representative must submit the unit's official travel orders and an inventory of weapons and ammunition being transported to the STSO. The inventory must include the number of crates or hard-sided cases as well as the number and serial numbers of weapons contained in each crate or case.
 - 3) The unit representative must certify to TSA in writing that the weapons are unloaded. Additionally, the unit representative must certify in writing that the crates or hard-sided cases containing weapons and ammunition have been thoroughly inspected and that no other weapons, explosives, or other items prohibited in checked baggage by TSA, Federal Aviation Administration (FAA), DOT, or other Federal regulations are in the crates or cases.
- E. **Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Tactical Equipment Specialized Screening**
 - 1) **Apply the following procedures for U.S. Government firearms and other tactical equipment transported by credentialed agents of the ATF traveling on official duty:**
 - a. **ATF agents have been instructed to request TSA supervisory assistance from the aircraft operator representative as part of their checked baggage check-in process. STSOs must respond expeditiously when so notified.**
 - b. **Inspect the ATF agent's credential, badge, and another form of U.S. Government-issued photo ID (see Attachment 4-6).**

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- i. **Ensure that the name on all pieces of ID is the same and that the articles do not contain signs of tampering.**
 - ii. **Use travel document checking lights and loupes if available.**
 - iii. **If the STSO has any questions or concerns about the validity of the ATF credentials or ID, he or she may contact the TSOC at 866-655-7023 to request confirmation of the ATF agent's mission status.**
 - iv. **If at any time during the ID inspection process, the STSO notices any suspicious activity or discovers tampered or fraudulent ID, he or she must immediately notify an LEO, the aircraft operator, and TSA management.**
 - c. **Confirm with the ATF agent that the firearms and ammunition have been declared to the aircraft operator and that the firearms are unloaded.**
 - d. **Ensure that the firearms are secured in a locked hard-sided case. Firearms may be packaged collectively or individually. Ammunition must be securely packaged as described in Section 1.7.C. of this SOP.**
 - e. **Through verbal declaration, confirm with the ATF agent, or a representative if traveling as a unit, that each case containing firearms, ammunition, or other tactical equipment has been thoroughly inspected by the ATF agent or representative and that no explosives or other items prohibited in checked baggage by TSA or DOT HAZMAT are in the cases.**
- 2) **If the STSO is satisfied that the above requirements have been met, and no suspicious circumstances or behaviors are observed, the ATF case(s) must not be subjected to any additional screening.**
- a. **The STSO must ensure that TSA maintains positive control of the ATF case(s) until they can be returned to the aircraft operator at a convenient point in the baggage handling system beyond all TSA checked baggage screening systems (EDS and ETD).**
 - b. **ATF agents are not authorized to accompany TSA personnel into secured airport areas.**

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EXHIBIT E

Retaliation by TSA, and REFUSAL by TSA to follow this Court's Orders to treat Plaintiff as a Covered Person, by continuing to hide and destroy video and other ESI evidence from repeated attacks (apparently in retaliation) by TSA upon Plaintiff – twice so far.

Attestations by TSA agents and copies of TSA-internal files produced in discovery show that TSA has already libeled and defamed Plaintiff by falsely claiming that Plaintiff was “extremely rude” and made threats on 10 March 2016, Falsity is proven by the contradictions of witness statements, and testimony of Defendant and 3rd Party Whetsell, none of whom alleged any rude behavior by Plaintiff, but all of whom acknowledged Defendant's striking of Plaintiff's genitals, and most of whom documented the arrest of Defendant by Plaintiff for felony sexual battery under Virginia statutes, precedent, and federal case law as filed with this Court.

On 16 November 2017, TSA forced Plaintiff (against Plaintiff's practice of religion, disclosed just one week prior to Sylvertooth in deposition testimony) to require Plaintiff to transit the full-body screening machine despite Plaintiff's repeated requests for a pat-down instead. TSA agents grabbed both of Plaintiff's arms and forcibly yanked Plaintiff “spread eagle” without cause in San Diego airport on 16 November, and then TSA ordered the local airport to not honor the Court's Order and refuse to release video of the incident, and then destroy the video (similar to spoliation in this case by Defendant, TSA, DOJ, and MWAA).

Retaliation further was shown on 06 January 2018, by TSA accusing Plaintiff of **attempting to carry an explosive device (aka “a bomb”) in Plaintiff's carry-on suitcase** before a flight in Hawaii. TSA previously identified Plaintiff as Capt. Linlor and the check-in machine exhibited a different series of beeps than for all other passengers. TSA has clearly flagged Plaintiff and is set on retribution and retaliation against Plaintiff. TSA called police to attempt to intimidate Plaintiff.. TSA claimed that it was not any machine “false positive or error.” TSA spent 15-20 minutes inspecting Plaintiff's worn

1 clothing, reconfirmed it as “explosive” and then proceeded to load the “explosive”
2 luggage onto a commercial flight while claiming that the explosive designation was not
3 cleared nor explained, and was not in error! Plaintiff is certain that TSA has used this
4 incident as an excuse to write more falsehoods and attempt to impugn Plaintiff’s
5 character. TSA and the local airport have again refused to release video of the incident,
6 and appear attempting to destroy evidence. If the current protective Order is not
7 VACATED, then further retaliatory actions by TSA will be encouraged by the Court’s
8 acquiescence, since TSA will be emboldened by being able to hinder Plaintiff from
9 obtaining evidence. Plaintiff, accordingly, will be compelled to use more of the Court’s
10 time and resoures to re-obtain court sponsorship (redundant due to Plaintiff’s occupation)
11 as a Coverd Person, but required as part of compelling TSA to release evidence.
12 VACATING the protective Order is a good way to minimize efforts and remind TSA not
13 to abuse their duties and authority against Plaintiff.

14 TSA also uncapped and removed shampoo and other liquids in Plaintiff’s checked
15 luggage on the same flight, removed the bottles from sealed bags, and allowed these all to
16 spill throughout Plaintiff’s luggage. TSA put an “inspection card” in Plaintiff’s luggage
17 to claim credit for the harassment. TSA is abusing its authority, and VACATING of the
18 protective order is key to permit Plaintiff to compel release of video and other evidence if
19 TSA continues to abuse and retaliate against Plaintiff. Plaintiff will still possess Covered
20 Person status regardless of the protective Order, but TSA is already pointing to the
21 protective Order as an excuse to refuse to release video evidence and harass Plaintiff.
22 Plaintiff is trying to avoid confrontations, but Plaintiff is concerned that TSA may next
23 interfere with one of Plaintiff’s flight-duty flights where Plaintiff will be captaining the
24 flight, compelling Plaintiff to arrest the TSA agents on Plaintiff’s aircraft if they pose a
25 threat to operational safety. The protective Order will then be raised as conflicting by the
26 next local federal Court if this undesired possibility occurs.

27 Plaintiff has reported these incidents to this Court and requested a temporary Order
28 barring retaliation and defamation by TSA. This Court declined to issue this Order.
Plaintiff continues to attempt to de-escalate, though TSA seems bent on the alternative.

SUGGESTED ORDER

Per the Court's Orders of 16 November and 07 December, Plaintiff has already been ordered to be Covered Person under 49 USC 1520.7.

TSA 's protective Order issued by this Court on 21 December 2017 is hereby VACATED *in toto* with prejudice, since TSA's repeated refusals to provide Excessive Force Guidance to assess reasonable genital pat-down searches do not constitute a threat to transportation security, and none of TSA's existing disclosures are similarly encumbered as SSI.

TSA has willfully disregarded two Orders of this Court, and this Court finds TSA in indirect Civil Contempt of Court for failure to comply with Orders.

Furthermore, TSA seems to be improperly using 49 USC 114(r) to shield itself from illegal activity, which contravenes the statute 49 USC 114(r).

Evidence provided by TSA in this case is not considered Sensitive Security Information, regardless of markings.

It is so Ordered.

Hon.: _____ Date: _____

1 NO ATTORNEY ASSISTED IN THIS DOCUMENT'S PREPARATION.

2 I certify under penalty of perjury, that a copy of this document was served on
3 the date below, via service by process server to the Court for filing and entry into the
4 EC/CMF Court Filing System on 12 January 2018.

5 Respectfully submitted, and filed with the declaration that all statements in this pleading
6 are true and correct under penalty of perjury.

7
8 Local Rule 7(E) and 37(E) Certification per Scheduling Order of 06 September 2017:

9 "Pro Se Plaintiff confirms that he has attempted, in good faith, to confer with and to
10 decrease and/or resolve any matters of disagreement related to discovery with
11 Defendant's Counsel, and to decrease, in every way possible, the filing of unnecessary
12 motions."

13 Date _12 Jan 2018__ Signed ___/s/_(wet signature next page)__(Capt. James Linlor)

14
15 Capt. James Linlor
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